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OREGON
COUNTRY
OREGON
WASHINGTON
MONTANA
NORTH DAKOTA
SOUTH DAKOTA
WYOMING
NEBRASKA
IOWA
LOUISIANA PURCHASE
CEDED BY FRANCE 1803
NORTH WEST TERRITORY
CEDED BY ENGLAND 1783
ILLINOIS
INDIANA
OHIO
WISCONSIN
MICHIGAN
ORIGINAL THIRTEEN STATES 1783
NEW YORK
PENN.
VIRGINIA
KENTUCKY
TENNESSEE
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
ALABAMA
MEXICAN CESSION
1848
UTAH
NEVADA
COLORADO
ARIZONA
NEW MEXICO
KANSAS
MISSOURI
OKLAHOMA
ARKANSAS
INDIAN TERRITORY
TEXAS
ANNEXED
TEXAS
1845
GADSDEN PURCHASE
CEDED BY MEXICO
1853
CEDED BY RUSSIA 1867
ALASKA
CEDED BY SPAIN 1819
FLORIDA
P.G. HUTCHINSON, DEL. 1885.

The

American Advance

A Study in Territorial Expansion

By

EDMUND J. CARPENTER

With a Map

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TO

MY WIFE AND CHILDREN

PREFACE

One of the great tragedies of human history is the story of the glory and of the fall of the Empire of Spain. Coeval with its decline has been the growth and upbuilding of the great Republic of the West; and over much of the vast territory which once owned the sway of Charles and of Philip now floats the flag of the United States. The Republic, indeed, may be said to have been erected upon the ruins of the Empire; for, from the Mississippi and the Gulf, to the Pacific, or in the American islands of the Indies, West and East, there is not a foot of soil — save in the vast region of the great Northwest — over which has not floated, above mountain and plain alike, the red and gold banner of Spain. The causes which have led to the ruin of a once powerful empire are for the historian to discuss; the pages which follow are offered as material, perhaps, for his use in the study of some phases of the great tragedy.

In the preparation of this work the author desires to acknowledge his indebtedness to some whose encouragement and assistance have been

of the greatest value. Especial thanks are due to Mr. Caleb B. Tillinghast, the accomplished librarian of the Massachusetts State Library, for the cheerfulness with which he has given access to the historical treasures in his charge, and especially to the valuable files of the Debates in Congress of early dates, and of the published Secret Records of the United States Senate. Acknowledgments are also due to Senator Lodge of Massachusetts, and to Hon. Binger Hermann, Commissioner of the Land Office at Washington, for maps and documents which the author has found of greatest value. Free use has been made of Hon. James D. Richardson's excellent compilation of the Messages and Papers of the Presidents. Other authorities are duly acknowledged in footnotes.

PROVINCETOWN, CAPE COD,
August, 1902.

CONTENTS

		PAGE
PREFACE		vii
CHAPTER		
I.	INTRODUCTORY	1
II.	THE LOUISIANA PURCHASE	11
III.	CESSION OF THE FLORIDAS	63
IV.	THE ANNEXATION OF TEXAS	113
V.	THE MEXICAN CESSION	170
VI.	OREGON	198
VII.	THE GADSDEN PURCHASE	259
VIII.	ALASKA	276
IX.	HAWAII	288
X.	CUBA, PUERTO RICO, GUAM, AND THE PHILIPPINES	317

The American Advance

CHAPTER I

INTRODUCTORY

After seven years of war, in the vain attempt to subdue her American colonies, and force them to return to their allegiance to the British crown, England was obliged by pressure from her own people to make peace. The English people were tired of the war. Throughout its continuance a large and important party, though a minority, had disapproved of the coercive acts of the King and his advisers. As the years went on, this feeling intensified until, after the surrender at Yorktown in the spring of 1782, the lower house of Parliament adopted resolutions in disapprobation of the war, and declaring all persons to be public enemies who should urge its further prosecution. Preparations for a treaty of peace were begun. Five commissioners were appointed by Congress, — John Adams, Benjamin Franklin, John Jay, Thomas Jefferson, and Henry Laurens. At Paris these commissioners — with the exception of Jefferson — met Richard Oswald, the commissioner on the part of Great Britain. And now for the first time in the history of the United States arose the question of territorial limitation.

Oswald, watchful for the interests of the King, proposed that the western boundary of the new nation should be fixed at the Ohio and the Mississippi, leaving the vast region known as the Northwest Territory still under British dominion. To this proposition Benjamin Franklin, who may be called the first American expansionist, strenuously objected. "If you insist upon that," said he, "we will go back to Yorktown."

The British colonies in America, at the time of their acquisition of independence, so far as concerned their settled limits, comprised scarcely more than a fringe along the Atlantic seaboard. The New England States occupied very nearly their present limits. Maine, then a province of Massachusetts, stretched toward the north to the head waters of the river St. John, and toward the east to Passamaquoddy Bay. New Hampshire, Massachusetts, Rhode Island, Connecticut, occupied their present boundaries. Vermont, not then organised, was claimed both by the colonies of New York and New Hampshire, in an unsettled dispute. New York occupied boundaries scarcely one-half as extended as at present, the western portion, stretching to the St. Lawrence and the Lakes, being excluded. New Jersey, Pennsylvania, Delaware, and Maryland occupied practically their present limits, while Virginia included the territory of the present State of Kentucky, having its western and northwestern boundaries at the Ohio and the Mississippi rivers. North Carolina included the region now covered by Tennessee, and extended westward to the Mississippi. South Carolina's limits were those

of to-day; while Georgia, excluding a strip along the Gulf coast, claimed by Spain, extended also to the banks of the great river, and included the territory of the present States of Alabama and Mississippi.

These, then, were the undisputed limits of the United States, when the American peace commission met that of England at Paris. The control of the Lake region and the upper waters of the Mississippi had evidently been determined upon by the British crown, and it was with this thought in mind that Oswald made his proposition for a western boundary at the Ohio and the Mississippi. But the firm position taken by Franklin saved to us this region, rich in agricultural possibilities, and great in commercial advantages, a region which now comprises the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and a portion of Minnesota. This contention of Oswald was the beginning of a struggle of Great Britain for territorial and commercial advantage in the North American continent, a struggle which was destined to be continued over many years.

Thus, with a title uncontested, the domain of the United States, at the peace, extended from the Atlantic coast westward to the Father of Waters, northward to the St. Lawrence, the Great Lakes, and the Lake of the Woods, and southward to the northern boundary of the Spanish province of Florida, a boundary as yet somewhat indeterminate. The population of the country, at this time, is exceeded to-day by the population of more than one of the States. The first census of the United States, taken in 1790, showed a popula-

tion of less than four millions. Ten years later, the census showed a population of but slightly more than five millions. Society was, at this period in the history of our country, in a very primitive state. Much of the western and northwestern districts of our domain was an unbroken wilderness, in which even the sound of the pioneer's axe had not yet been heard. It was not until the year 1814 that George Stephenson constructed his first locomotive engine; and it was not until the year 1825 that the rails of the first railroad were laid, in Quincy, Massachusetts, to convey the material for the erection of Bunker Hill Monument from the granite quarries to tide-water. It was not until the year 1807 that Fulton launched the *Clermont*, on the river Hudson. The only means of conveyance from one portion of the country to another, therefore, was by horse and carriage, or by stage-coach.

It was many years later than this that the first practical experiment with the newly invented magnetic telegraph was made; and the year 1844 saw the establishment of the first telegraph line. The postal service of our country was in its infancy, and deliveries of the mails were necessarily slow and in some measure uncertain. This was, with this country, a day of small things. It had recently emerged from a long and exhausting war and was burdened with debt. Manufactures had not yet a beginning, for it was not until 1793 that Slater built his cotton mill on the banks of the Blackstone, and imports were far in excess of exports. The period of years between the establishment of peace with the mother country,

in 1783, and the adoption of the Constitution in 1789, was a critical period in its history. A tiresome dispute was waged between the States concerning the ownership of the region of the Northwest Territory, which the firmness of Franklin and his coadjutors had saved to them, and this territory, too, was for a long time harassed by Indian warfare. In 1787 a government for the Northwest Territory was formally adopted, and in 1803 the State of Ohio was carved from it and admitted to the Union. Vermont had already been set off from New York, Kentucky from Virginia, and Tennessee from the territory formerly claimed by North Carolina, and erected into States. These four States, added to the original thirteen which had formed a Union in 1789, now combined to form a nation of seventeen States, to the domain of which was added the region of the Northwest Territory remaining after the admission of Ohio to the Union.

The year 1803, which saw the erection of this, the first of the States carved from the great unsettled region of the Northwest, was a memorable year in the history of the country. For a complete understanding of the conditions which prevailed when James Monroe was sent by President Thomas Jefferson to France, upon an errand of extreme delicacy and importance, one must glance backward to the early part of the century, when the vast region between the Alleghanies and the Rocky Mountains and from the Mexican and Spanish boundaries on the south to the regions of the frozen north were claimed as the property of France. In 1822 Mexico, throwing

off the yoke of Spain, had established an independent government. Its domains comprised, besides the present limits of the republic of Mexico, so much of the present territory of the United States as is included in the States of Texas, Utah, Nevada, California, portions of Idaho, Wyoming, and Colorado, and the Territories of New Mexico and Arizona. In short, it included all of the present territory of the United States lying west of the Red River and the Rocky Mountains and extending to the Pacific coast. These limits did not, however, include the region of the Columbia River. This great region, formerly Spanish soil, passed, at the fall of Spanish rule in Mexico, to the control of this new nation. Meanwhile, France kept a firm hold upon her American possessions; deeming them necessary as a barrier against English ambition. "If we suffer our enemies to become masters in America," said the Marquis de la Galissonière, governor of Canada, "their trade and naval power will grow to vast proportions, and they will draw from their colonies a wealth that will make them preponderant in Europe."[1] He advised the King to send a horde of peasant emigrants "to occupy the valley of the Ohio and hold back the British swarm that was just then pushing its advance guard over the Alleghanies." French ambition was quenched and French advance checked on the Plains of Abraham. Then was formed the Family Compact of the House of Bourbon, whereby the kings of France and Spain agreed to act as one toward foreign powers; and

[1] Parkman's "Montcalm and Wolfe," I, 37.

a special agreement was concluded whereby Spain was bound to declare war against England, unless peace should be declared between that power and France before May 1, 1762. This was a signal for a contest between France and Spain upon the one hand and England upon the other, the prize being maritime and colonial supremacy. The result was never doubtful; the superiority of the Anglo-Saxon over the Latin could not be doubted. The French islands of Martinique, Grenada, St. Lucia, and St. Vincent speedily fell into English hands, and the British forces, in June, 1762, were moving on the Spanish stronghold of Havana. The fall of Cuba was accompanied by the loss also of Manila and the Philippine archipelago, and Spanish power, for a time, was crushed in both the West and the East Indies. These British victories, the almost total destruction of the French navy, and the loss to Spain of her colonies, forced a peace. In November, 1762, the preliminaries were agreed upon. France ceded to Great Britain her Canadian possessions and all her domains on the North American continent to the eastward of the Mississippi River. New Orleans, and a small region adjacent, alone remained in the possession of France. Canada, Cape Breton, and the islands of the gulf and river St. Lawrence also passed to English control. Havana and Cuba were restored to Spain, who in return ceded to England Florida and all of her American possessions east of the Mississippi. There was a general readjustment of the possessions of the combatants in the West Indies and throughout Europe and the East, Spain

recovering her Philippines. But these readjustments and recessions as between the three contestants could not compensate Spain wholly for the loss which she had sustained in her futile attempt to aid her Bourbon neighbour. Florida had been lost to her, and in compensation for this loss she demanded of France the cession of her entire remaining possessions on the continent of North America. Spain now, by a secret agreement with France, came into possession of the vast fertile region of the valley of the Mississippi, stretching westward from the banks of the Father of Waters to the eastern slope of the Rocky Mountains, including the city and port of New Orleans, and the control of the commerce of the river. The Treaty of Paris was concluded on the tenth of February, 1763, and the long war was at an end.

The peace of 1783, concluded also at Paris, between England and her American colonies, left undisturbed this adjustment of possessions on the North American continent. The former British-American colonies received the entire region with our present northern boundary, westward from the Atlantic seaboard to the eastern bank of the river Mississippi. Florida alone remained, for a time, in the hands of England; and New Orleans, as already seen, had passed to Spain. Spain also claimed the Louisiana region, stretching to the mountains; beyond these lay the Mexican possessions of California. Which of these four powers, each having a foothold on the continent, three possessing each a vast extent of territory, was destined to be the dominant power

of the New World? Spain having partially reconquered Florida in 1778, England withdrew wholly from this region, soon after the peace of 1783, making a recession to Spain of her Florida possessions. To the south and west of the United States, then, Spanish power was predominant, and so remained at the formation of the Federal Union in 1789.

In the year 1803, Thomas Jefferson being President of the United States, disquieting rumours as to our foreign relations began to be heard. On the first day of October, 1800, by the secret treaty of San Ildefonso, the Family Compact of 1761 was virtually renewed. The object of this treaty was undoubtedly to involve Spain in the impending war between France and England. Its effect, so far as concerned territory upon the American continent, was to return the territory of Louisiana to French ownership and control. This treaty remained secret for three years, but in 1803 a rumour of its consummation was bruited abroad, and came to the ears of the government at Washington. By the Peace of Amiens, March 27, 1802, Great Britain had confirmed the French in the possession of her territorial acquisitions on the continent of Europe, and had restored the colonies she had seized from France, retaining only Trinidad and the Dutch colony of Ceylon. But the peace was of short duration. Great Britain, despite the Treaty of Amiens, alarmed at the apparent intention of Napoleon to reconstitute a French colonial empire, refused to evacuate Malta, and seized merchant vessels sailing under French and Dutch colours.

Bonaparte retaliated by invading Hanover, the hereditary kingdom of George III, and closed French ports to English merchandise. War was apparently not far off; Bonaparte resumed preparations for conflict, and England looked about for allies in Europe. It was at this juncture that two visitors of importance from the United States knocked at Napoleon's door. The nature of their errand will soon be disclosed.

CHAPTER II

THE LOUISIANA PURCHASE

In his second message to Congress, December 15, 1802, President Jefferson introduced a brief paragraph, which attracted but little attention, but which contained information of the greatest moment. This paragraph read thus: —

"The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the Legislature connected with that subject."

This intelligence came almost simultaneously with news from New Orleans of a disquieting nature. On the seventeenth day of December, two days after the reception of the President's message, John Randolph of Virginia arose in the House of Representatives and observed that there had been a recent occurrence, in which every member of the House was interested, although every member might not, perhaps, possess competent information respecting it. He said it would be useless in him to impress the magnitude of a subject that related to the free naviga-

tion of the Mississippi, which materially affected a district of country growing every day in wealth and importance, and which it behoved the whole United States to cherish and protect. He moved, therefore, a resolution, requesting the President of the United States to cause to be laid before the House such papers as were in the possession of the Department of State, as related to the violation on the part of Spain of the treaty of friendship, limits, and navigation between the United States of America and the King of Spain.

The stipulation of the Spanish-American treaty of 1795, to which this resolution referred, and which was now said to have been violated, was this. After engaging, in the fourth article of the treaty, that the navigation of the river Mississippi, "in its whole breadth from its source to the ocean, shall be free only to his [his Spanish Majesty's] subjects and the citizens of the United States," it was further agreed, in the twenty-second and final article, that "his Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandise and effects in the port of New Orleans, and to export them from thence, without paying any other duty than a fair price for the hire of the stores; and his Majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment."

The convention, of which the words quoted are

a part, was concluded at San Lorenzo el Real, on the twenty-seventh day of October, 1795, by Thomas Pinckney, then minister of the United States to Spain, on the part of the United States, and Prince de la Paz, Duke de la Alcudia, first Spanish Secretary of State, on the part of the King of Spain.

Mr. Randolph's resolution calling for such information as might be in the possession of the government, concerning a reported violation, by Spain, of this provision of the treaty of 1795, was agreed to without opposition. On the twenty-second day of December, President Jefferson sent a special message to the House of Representatives, in response to this resolution. This message enclosed a report of the Secretary of State, upon the subject at hand. Eight days later, Mr. Jefferson sent a second special message, supplementary to the last, enclosing copies of correspondence between Governor William C. C. Claiborne of the Territory of Mississippi, and Manuel de Salcedo, governor-general of the Spanish province of Louisiana. This correspondence, so far as relates to the letters of the Spanish governor-general, is a remarkable example of Spanish indirectness.

[TRANSLATION]

New Orleans, November 15, 1802.

His Excellency William C. C. Claiborne.

Most Excellent Sir: — I received a few days past your Excellency's esteemed letter of the 28th ultimo, in which your excellency, referring to the twenty-second article of the treaty of friendship, navigation, and limits agreed

upon between the King, my master, and the United States of America, has been pleased to inquire, after transcribing the literal text of said article (which you find so explicit as not to require any comment nor to admit of dubious construction), if his Majesty has been pleased to designate any other position on the banks of the Mississippi, and where that is, if his royal pleasure does not continue the permission stipulated by the said treaty which entitled the citizens of the United States to deposit their merchandise and effects in the port of New Orleans; and you request at the same time that, as the affair is so interesting to the commerce of the United States and to the welfare of its citizens, I may do you the favour to send you an answer as early as possible. I can now assure your excellency that his Catholic Majesty has not hitherto issued any order for suspending the deposit, and consequently has not designated any other position on the banks of the Mississippi for that purpose. But I must inform you, in answer to your inquiry, that the intendant of these provinces (who in the affairs of his own department is independent of the general government), at the same time that, in conformity with the royal commands (the peace in Europe having been published since the fourth of May last), he suspended the commerce of neutrals, also thought proper to suspend the tacit prolongation which continued and to put a stop to the infinite abuses which resulted from the deposit, contrary to the interests of the State and of the commerce of these colonies, in consequence of the experience he acquired of the frauds which have been committed and which it has been endeavoured to excuse under the pretext of ignorance, as is manifested by the number of causes which now await the determination of his Majesty, as soon as they can be brought to his royal knowledge, besides many others which have been dropt because the individuals have absconded who introduced their properties into the deposit and did not extract them, thus defrauding the royal interests.

It might appear on the first view that particular cases

like these ought not to operate against a general privilege granted by a solemn treaty, and it is an incontestable principle that the happiness of nations consists in a great measure in maintaining a good harmony and correspondence with their neighbours by respecting humanity and civil intercourse; but it is also indubitable that a treaty, although solemn, to be entirely valid, ought not to contain any defect; and if it be pernicious and of an injurious tendency, although it has been effectuated with good faith but without a knowledge of its bad consequence, it will be necessary to undo it, because treaties ought to be viewed like other acts of public will, in which more attention ought to be paid to the intention than to the words in which they are expressed; and thus it will not appear so repugnant that the term of three years fixed by the twenty-second article being completed without the King's having granted a prolongation, the intendancy should not, after putting a stop to the commerce of neutrals, take upon itself the responsibility of continuing that favour without the express mandates of the King, a circumstance equally indispensable for designating another place on the banks of the Mississippi.

From the foregoing, I trust that you will infer that as it is the duty of the intendant, who conducts the business of his ministry with a perfect independence of the government, to have informed the King of what he has done in fulfilment of what has been expressly stipulated, it is to be hoped that his Majesty will take the measures which are convenient to give effect to the deposit, either in this capital, if he should not find it prejudiced to the interests of Spain, or in the place on the banks of the Mississippi which it may be his royal pleasure to designate; as it ought to be confided that the justice and generosity of the King will not refuse to afford to the American citizens all the advantages they can desire, a measure which does not depend upon discretion, nor can an individual chief take it upon himself. Besides these principles on which the regulation of the intendant is

founded, I ought at the same time to inform you that I myself opposed on my part, as far as I reasonably could, the measure of suspending the deposit, until the reasons adduced by the intendant brought it to my view; that as all events cannot be prevented, and as with time and different circumstances various others occur which cannot be foreseen, a just and rational interpretation is always necessary. Notwithstanding the foregoing, the result of my own reflections, I immediately consulted on the occasion with my captain-general, whose answer, which cannot be long delayed, will dissipate every doubt that may be raised concerning the steps which are to be taken. By all means your excellency may live in the firm persuasion that as there has subsisted, and does subsist, the most perfect and constant good harmony between the King, my master, and the United States of America, I will spare no pains to preserve it by all the means in my power, being assured of a reciprocity of equal good offices in observing the treaty with good faith, ever keeping it in view that the felicity and glory of nations are deeply concerned in the advantages of a wise and prudently conducted commerce.

I have the honour to assure your excellency of the respect and high consideration which I profess for you; and I pray the Most High to preserve your life many years. I kiss your excellency's hands.

Your most affectionate servant,

MANUEL DE SALCEDO.

The portion of the message of the President relating to the cession of Louisiana by Spain to France does not appear to have attracted much attention in Congress; but it was brought to the notice of the House of Representatives on the fifth of January, 1803, by Roger Griswold, of Connecticut, who saw its importance. He offered a resolution to the effect that "the President of the United States be requested to direct the

proper officer to lay before this House copies of such official documents as have been received by this government, announcing the cession of Louisiana to France, together with a report explaining the stipulations, circumstances, and conditions under which that province is to be delivered up."

This resolution, harmless as it appears, met with strong opposition in the House. It was laid upon the table until the next day, and then a motion to take it from the table for consideration, after discussion, was passed by a bare majority of three. The opposition, headed by Randolph of Virginia, there argued for a consideration of the resolution in a Committee of the Whole, which would necessitate a secret session. In spite of strong argument in opposition this movement was carried by a vote of 49 to 39.

In secret session the House first took up the matter of the obstruction of the navigation of the Mississippi by the Spanish government, and a resolution was presented, couched in diplomatic but unyielding phrase.

Resolved, That this House receive, with great sensibility, the information of a disposition in certain officers of the Spanish government at New Orleans, to obstruct the navigation of the river Mississippi, as secured to the United States by the most solemn stipulations.

That, adhering to the humane and wise policy which ought ever to characterise a free people, and by which the United States have always professed to be governed, willing, at the same time, to ascribe this breach of compact to the unauthorised misconduct of certain individuals, rather than to a want of good faith on the part of his Catholic Majesty, and relying, with perfect

confidence, on the vigilance and wisdom of the Executive, they will wait the issue of such measures as that department of the government shall have pursued for asserting the rights and vindicating the injuries of the United States; holding it to be their duty, at the same time, to express their unalterable determination to maintain the boundaries and the rights of navigation and commerce through the river Mississippi, as established by existing treaties.

This resolution was, after an extended debate, adopted, by a vote of 75 to 25, the effort of Mr. Griswold and his adherents to procure a consideration of his resolution, asking for information in the matter of the cession of Louisiana to France, being pushed aside.

On the eleventh of January Mr. Griswold again moved that the House resolve itself into a Committee of the Whole on the state of the Union, for the consideration of his resolution calling for information relating to the Louisiana cession. Again he was strenuously opposed, the opposition being led by Mr. Randolph of Virginia, his chief argument being that the adoption of the resolution would be regarded by Spain as a reflection upon her integrity. The resolution after an extended debate was defeated by a vote of 35 to 51.

Notwithstanding the overwhelming defeat of this attempt of a Connecticut representative — who was a political opponent of the administration — to obtain information concerning the cession of Louisiana to France, it is evident that the administration members were by no means indifferent to the situation. Almost simultaneously with the defeat of Mr. Griswold's resolution, Mr.

S. Smith, a member from Maryland, introduced a resolution which evidently bore upon the matter, although in it appears no allusion to Louisiana, and no intimation of the purpose to which the sum of money sought by it to be placed in the hands of the President was to be devoted.

Resolved, That the sum of two millions of dollars, in addition to the provision heretofore made, be appropriated to defray any expenses which may be incurred in relation to the intercourse between the United States and foreign nations, to be paid out of any money that may be in the Treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who, if necessary, is hereby authorised to borrow the whole or any part thereof; an account whereof, as soon as may be, shall be laid before Congress.

This resolution was referred to a committee, whose report discloses the fact that the object of the resolution was "to enable the Executive to commence, with more effect, a negotiation with the French and Spanish governments relative to the purchase from them of the island of New Orleans, and the provinces of East and West Florida." Not only was the mouth of the river Mississippi at this time controlled by a foreign nation, but the entire Gulf coast as well, including the peninsula of Florida (then known as the province of East Florida) and the coast, from the Appalachicola to the Mississippi — a region known as West Florida — was under the control of Spain. The Territory of Mississippi lay at the northward of West Florida, separated from it by no natural boundary. It was a vast,

fertile region, offering strong inducements to settlers, from the variety, richness, and abundance of its productions. Beyond this, stretching away to the Canadian line, even to the source of the river Mississippi, was one great sparsely settled region, in many parts an unknown land. It was intersected by the river Ohio and its tributaries, and included in its area the States of Ohio, Kentucky, and Tennessee, with the western portions of Pennsylvania and Virginia, and the great Indiana Territory.

The produce of this great fertile region, in the absence of railroad communication, found its only outlet by the river Mississippi and its tributaries. Owing to the swiftness of the current of the Mississippi, at and near its mouth, it was not feasible for sea-going vessels, from the West Indies and from the eastern seaboard, to ascend the river for considerable distances. The American farmers in this region, therefore, who desired to ship their produce to these markets, found no other ready plan than to send it down the river by means of boats, deposit it at New Orleans, at the place designated by the Spanish authorities, and await the arrival there of the vessels destined for its shipment to a market. The withdrawal of the privilege of deposit, secured to the American producers by the treaty of 1795, was a serious blow to the prosperity of American agriculture and commerce. Not only this, but the withdrawal of the privilege of deposit was a shock of no little magnitude to the dignity of our government, which then realised, doubtless for the first time, how completely the prosperity of a large

portion of our country was dependent upon the whim of a European monarch. The important rivers rising within the Territory of Mississippi, and emptying into the Gulf of Mexico, were also restricted in their navigation by American vessels by the fact that, in seeking an outlet in the Gulf, they necessarily flowed through West Florida, a Spanish possession.

It is, then, apparent that the river navigation of the United States, with the exception of such rivers as comprised the Atlantic watershed, was wholly restricted, in the fact that all rivers flowing to the south and west found their outlets through foreign territory. The danger which thus beset American advancement was exceedingly great, and was evidently well appreciated by the administration. It was seen that this restriction, which it was possible for a foreign nation to place upon our commerce, not only with other countries, but between our own ports, might easily prove the source of trouble and perhaps of hostility. It was seen also that the possession of Florida proper, as an integral part of our country, was important, by reason of its fine harbours, closely contiguous to Havana and other West Indian ports. The acquisition of New Orleans and of the Floridas seemed, then, a matter of imperative necessity and highly essential to commercial prosperity; and the necessity of such a movement was strongly presented in the report of the committee. "This requisition, however, arises," said this report, "not from a disposition to increase our territory; for neither the Floridas nor New Orleans offer any other inducements

than their mere geographical relation to the United States. But if we look forward to the free use of the Mississippi, the Mobile, the Appalachicola, and the other rivers of the west, by ourselves and our posterity, New Orleans and the Floridas must become a part of the United States either by purchase or by conquest.

"The great question, then, which presents itself is, shall we at this time lay the foundation for future peace by offering a fair and equivalent consideration; or shall we hereafter incur the hazards and horrors of war? The government of the United States is differently organised from any other in the world. Its object is the happiness of man; its policy and its interest to pursue right by right means. War is the great scourge of the human race, and should never be resorted to but in cases of the most imperious necessity. A wise government will avoid it when its views can be attained by peaceful measures. Princes fight for glory, and the blood and treasure of their subjects is the price they pay. In all nations the people bear the burden of war, and in the United States the people rule. Their Representatives are the guardians of their rights, and it is the duty of those Representatives to provide against any event which may, even at a distant day, involve the interests and the happiness of the nation. We may, indeed, have our rights restored to us by treaty, but there is a want of fortitude in applying temporary remedies to permanent evils, thereby imposing on our posterity a burden which we ourselves ought to bear. If the purchase can be made, we ought not to

hesitate. If the attempt should fail, we shall have discharged an important duty."

The resolution was adopted in secret session, and the sum of two million dollars was appropriated and placed in the hands of the President for the purpose designated.

The observation contained in the portion of the report just quoted, to the effect that neither the Floridas nor New Orleans "offer any other inducements than their mere geographical relation to the United States," was significant. It is certain that the Anglo-Saxon civilisation of the former American colonies had not penetrated into the settlement of Louisiana sufficiently to put its impress upon it. The successive Spanish and French occupations had served to build up a purely Latin civilisation at the mouth of the Mississippi, the lingering remnants of which are seen to-day in the architecture and in some of the characteristics of this beautiful southern city. But it was not this fact alone which probably influenced this remark. To understand more completely some constituents of the population of the Louisiana province, one must go back to the year 1717, during the period of the regency of the Duc d'Orleans. Earlier than this La Salle and Père Marquette had explored the valley of the Mississippi and the great plains of the West. The former had taken possession of the region in the name of Louis XIV, and had called it Louisiana. It was almost an unbroken wilderness; indeed, Louis had been declared to be the monarch of wildernesses. This was the only title by which France could, at the outset, lay claim to

this region, and by virtue of which it was enabled to pass its sovereignty over to Spain by the adjustment of 1762. The father of settlement in the Louisiana country was John Law, who, after promoting several financial schemes, more or less questionable in their character, in August, 1717, obtained a charter for the "Company of the West." This soon came to be colloquially known as the "Mississippi Company," and to this company a monopoly was granted of all the commerce between France and the province of Louisiana for a period of twenty-five years. Not only this, but an absolute title to all the Louisiana region, stretching for three thousand miles, from the mouth to the source of the great river, was granted to the Mississippi Company. From east to west this grant extended from the Alleghanies to the Rocky Mountains — an empire in extent.

Previous, however, to the appearance of Law and the Mississippi Company, one Antoine de Crozat had made a futile attempt at settlement in the Mississippi Valley. Crozat was a Parisian merchant, who had amassed a fortune in the India trade, and who now sought to extend this trade into the scarcely known regions of America. He procured a grant from Louis XIV, by which he obtained a monopoly of the trade of the French possessions in America, including that of the "river St. Louis, heretofore called Mississippi," and its tributaries. He was granted permission "to search for, open, and dig all sorts of mines, veins, and minerals throughout the whole extent of the said country of Louisiana, and to transport the profits thereof into any port of France" for

the term of fifteen years. Property in any mines which he might discover was granted in perpetuity to him and to his heirs, the King reserving one-fifth part of the gold and silver, and one-tenth part of any other minerals which he might mine. He was also permitted to search for precious stones and pearls, one-fifth of any such as might be found to be reserved for the King. This grant to Crozat was issued in September, 1712; but five years thereafter it was surrendered by him, and the charter granted to the "Company of the West."

By virtue of the almost unlimited authority vested in this company by its charter, it proceeded to found a city at the mouth of the great river, to which was given the name of New Orleans, in honour of the French regent. It grew with considerable rapidity, and permanent buildings soon succeeded the earliest structures of wood and even slighter materials. But there was little to attract colonists, and, growing impatient, the company resorted to extraordinary measures to swell the numbers of the Louisiana settlers. An edict of the Duc d'Orleans allowed the lowest classes of the French population to be gathered and transported to Louisiana as colonists. Vagabonds and petty criminals were thus collected and sent out. When women were needed for wives of these colonists, "hospitals and prisons for those of disorderly life were ransacked in order to furnish the mothers of a new race." Cargoes of these loose women were sent out and disposed of, upon arrival, by lot or open choice, among the eager settlers. This venture not proving exactly satisfactory in its results, it was determined to send out married

colonists in the future; and in September, 1719, Paris beheld the extraordinary spectacle of one hundred and eighty newly married couples parading the streets, the women for the most part of easy virtue, the men recently released from prison, to become husbands and emigrants. A few days later, it is recorded, "thirty carts, filled with girls of moderate virtue, all decked with ribbons and cockades, were driven through the city, preparatory to their departure" for Louisiana.[1]

This was the stock with which the Mississippi Company chose to build up their first colony within their domain. The Acadian exiles of 1755, many of whom reached Louisiana, formed a new and far superior class, and their descendants to this day constitute a numerous and distinct population in this region.[2] But yet the attempt of France to colonise the valley of the Mississippi had been a wretched failure. The city of New Orleans, in 1803, was still the only considerable settlement within the region over which France had just regained control. An inadequate, but perhaps fairly correct, census, taken in 1799, showed a population of about six thousand in the district of upper Louisiana, which comprised the region to the northward of New Madrid. These people were scattered among a dozen or more of little hamlets along the banks of the rivers Mississippi and Missouri. Throughout the vast unknown regions toward the northwest were swarms of Indians. In the city of New Orleans and the

[1] Perkins, "France under the Regency," 460, 461.
[2] Parkman, "Montcalm and Wolfe," I, 283.

surrounding region, from the mouth of the Arkansas to the Gulf, was a population of perhaps thirty-five thousand souls. "The boatmen who steered the broadhorns, as they floated down the Mississippi, saw no town on the western bank between New Madrid and Pointe Coupée, save the huts of a few Indian traders at the mouth of the Arkansas, and a wretched hamlet called Concord, opposite Natchez. Up the Red River were Rapide and Avoyelles and Natchitoches, which boasted of a population of sixteen hundred souls, and of a great trade with Mexico. Below Pointe Coupée were three-fourths of all the people and seven-eighths of all the wealth of Louisiana. The plantations, the cotton-fields, the houses, became more plentiful as the traveller floated by the straggling settlements of Baton Rouge, of Manchoc Parish, of Iberville, below which cotton-fields and sugar-fields followed in unbroken succession to New Orleans.

"To the Americans whom business or curiosity brought to Louisiana, the land and the people and the great city were a never failing source of interest and wonder. They filled their letters with accounts of the wide, yellow, tortuous river, rushing along for hundreds of miles without a tributary of any kind, of the levees that shut in the waters and kept their surface high above all the neighbouring country, of the bayous where the alligators basked in the sunshine, of the strange vegetation of the cypress swamps and the palmettoes, of the hanging moss, of the sloughs swarming with reptiles, of the pelicans, of the buzzards, of the herons, of the fiddler crabs, of houses with-

out cellars, and of cemeteries where there was no such thing as a grave that had been dug."[1]

In 1720 Jean Baptiste le Moyne, Sieur de Bienville, was intrusted with the task of formally laying out the city, which had been founded three years before. In 1803 its features had changed but little, and many survive until the present day. The defences were indifferent, practically worthless. The city was walled, with four gates, at which sentries were posted day and night. A new population, however, was coming in, and a new city was springing up without the gates. This population was cosmopolitan in its nature, — French, Spanish, Irish, negroes, mulattoes, and quadroons, with here and there a few Americans, who had drifted down the river and engaged in trade in the city at its mouth. The commerce of the place had now assumed a considerable importance. The levees were crowded with cotton, molasses, sugar, tobacco, flour, and pork, the products of Louisiana and of the great valley of the Mississippi. Two hundred ships and other sailing craft were often seen at one time at the wharves. In the year 1802 the exports of New Orleans had reached the sum of two millions of dollars, while the imports exceeded that sum by half a million. The streets, however, although picturesque, were as a rule unpaved, poorly drained, and like most Latin cities, filthy and ill cared for.

The government of Louisiana, under Spanish rule, were a governor and lieutenant-governor; an

[1] McMaster, III, 15.

intendant, in whose care was the management of all affairs connected with trade, commerce, and shipping; a commandant, in whose control were the affairs military; and many minor officials. There was a system of espionage of all travellers and visitors, whether their visits were for business or pleasure. The taxes were many and heavy, but despite this fact the government expenses annually exceeded the income by a considerable sum. The laws were, in many cases, especially for punishment of crime, hideous in their cruelty. Ecclesiastical crimes were punished with especial severity. The personal morals of a people, whose beginnings had been such as these, could not be of the highest. A system of concubinage openly existed, of which the large class of quadroon women in the city were the victims. In short, the civilisation of this city at the Mississippi's mouth presented a vivid contrast to that at the mouth of the Charles, or of the Hudson, or on the banks of the Delaware. It was a civilisation, however, picturesque and attractive in many of its features, but which neither the cavalier of Virginia nor the Puritan of New England was anxious to emulate.

This, then, was the city, this the civilisation, which, for commercial reasons alone, it was proposed to annex as a portion of the American body politic. It was a population almost wholly alien, having nothing in common with our country and people, so far as concerned its traditions, its habits of thought and of life. This was a people wholly ignorant of the political ideas which dominated and controlled the people of the United

States, wholly untaught in republican sentiments and principles. The isolated situation of the city of New Orleans contributed greatly to this ignorance of American political ideas. The nearest American city, Savannah, was separated from it by a distance practically impassable by land, and was accessible only by water, and this by the medium of sailing vessels. There could have been, then, no social relations between the two cities. New Orleans, therefore, with its life transplanted from France and from Spain, was a world in itself, unaffected by the fresh American civilisation toward the east and north, or by that of Mexico to the south and west.

In accordance with the resolution of Congress, by which the sum of two millions of dollars was appropriated, with the object and intent of purchasing Spanish and French sovereignty in Louisiana and Florida, President Jefferson, on the eleventh of January, 1803, sent a special message to the Senate. In this he called attention to the prime importance to the United States of the recent cession of Louisiana, and perhaps also of Florida, to France, and the recent suspension of our treaty rights by the Spanish intendant at New Orleans. Measures had been taken, he informed the Senate, for the removal of these causes of inquietude and to prevent future occurrences of similar nature. These measures were such as looked toward the acquisition by the United States of the territory on the east bank of the Mississippi then under foreign control and domination. Robert R. Livingston was at that time the minister plenipotentiary at the French court,

and Charles Pinckney occupied a similar position at Madrid. These men were nominated by President Jefferson to be endowed with especial powers to treat respectively with the governments of France and Spain in this matter; and to these appointments was added that of James Monroe of Virginia, to be minister extraordinary and plenipotentiary, with full powers in connection with Mr. Livingston "to enter into a treaty or convention with the First Consul of France for the purpose of enlarging and more effectually securing our rights and interests in the river Mississippi and in the territories eastward thereof." The possession of these regions being still actually with Spain, Mr. Monroe was also nominated to act in connection with Mr. Pinckney, to treat in a similar manner with Spain, if so it should prove necessary. These appointments were speedily confirmed, and Mr. Monroe at once set sail upon his mission and reached Paris, April 12, 1803.

Arrived in France, he found that country upon the eve of a rupture with Great Britain. It was not unknown in France, previous to the arrival of Monroe, that the United States was open to negotiations for the purchase of Louisiana. Upon his arrival he discovered what had not been known in Washington, that by the Treaty of San Ildefonso the province of Louisiana alone had been transferred to France, the Floridas still remaining in Spanish control. Mr. Monroe, therefore, so far as his mission to France was concerned, was able to treat for the cession of Louisiana alone, although by the terms of the report of

the special committee, to whom was referred the resolution to appropriate two millions of dollars, both provinces were to be negotiated for.

Upon the very day after his arrival Mr. Monroe was met by the Marquis de Barbé Marbois, then at the head of the French treasury. It was speedily made plain to him and to Mr. Livingston that Bonaparte and his ministers cared to entertain no proposition which did not include the purchase and cession of the entire Louisiana region. The commissioners thus found themselves embarrassed at the outset, since their instructions included only an endeavour to effect the purchase of the port and island of New Orleans, and the provinces of East and West Florida. They were instructed to purchase, if possible, for the sum of two millions of dollars, the sovereignty of a city of no great size, although one to the United States of commercial importance; and a tropical peninsula, overgrown with cane-brakes and covered with morasses, and having but two or three settlements of importance. The purchase of the latter they found impossible in the circumstances of the case. Instead of the former they were offered a vast domain, an empire in extent, covering a region fully equal to, if not exceeding, in superficial dimensions, the existing domain of the United States.

Immediate action upon the part of our commissioners was desired, for great events were portending. As the war cloud arose the English press was urging its government to despatch a fleet and make a forcible seizure of New Orleans. This was urged for the double purpose of harass-

ing their enemy, France, and at the same time preventing the acquisition of the mouth of the river and the control of the Mississippi Valley by the United States. Already had Great Britain, in the belief of the English people, been despoiled of the great Ohio territory, through the persistence of Franklin. The young and vigorous nation, which had so recently broken its British shackles, must not be allowed to extend its boundaries beyond the Mississippi. Let the occasion be improved, and at a single blow let France be again humiliated in America, and the United States deprived of the possibility of further growth. So argued and urged the press of Great Britain.

Napoleon Bonaparte, on the other hand, saw the peril which beset his possessions in North America, and was preparing himself to offset it. A French fleet was then lying at St. Domingo, and it had been his purpose to despatch this to New Orleans to receive the transfer of the province from Spain. It was his intention to have appointed as governor of Louisiana General Bernadotte, who was afterward elected King of Sweden. The intelligence that the United States was willing to treat for the cession of Louisiana was the undoubted cause of the suspension of this plan; an action of Great Britain was prevented by the retention of the sovereignty of the province in the hands of Spain.

Additional embarrassment was felt by the American commissioners in their pecuniary limitations, which were far exceeded by the suggestions and requirements of France. Before the arrival of Monroe, Mr. Livingston had been

approached by M. de Talleyrand, with a suggestion for the purchase of Louisiana by the United States. Money was needed for the conduct of the impending war, and Great Britain, too, was threatening the seizure of the territory. To be sure, the Treaty of San Ildefonso had included an undertaking that France should not dispose of the territory acquired thereby without having first given the "refusal" of the territory to Spain. But matters were pressing, and secrecy was desirable, as well as swift action. A mere trifling matter of a treaty obligation must not be allowed to stand in the way of Bonaparte where his plans and interests were directly concerned. He would listen to no propositions which should include an offer of purchase of any territory of less dimensions than those of the entire province of Louisiana. His price was *f* 50,000,000, or $10,000,000. Mr. Livingston, while remonstrating that he had no authority to treat in the matter, made a tentative offer of *f* 30,000,000.

At this juncture Mr. Monroe arrived in Paris, bringing the joint appointment and instructions of himself and Mr. Livingston. After a consultation together it was determined — a consultation with Washington by telegraphic cable being then, of course, impossible — to offer for Louisiana the sum of *f* 50,000,000, with an offset of such claims for spoliation of commerce as might be outstanding against France, in favour of American citizens. These claims were estimated at from *f* 20,000,000 to *f* 25,000,000.

This offer was declined. Bonaparte, now that he had discovered that the United States really

desired to possess the sovereignty of the province, suddenly discovered its true value. "Whatever nation holds the valley of the Mississippi," he said to the Marquis de Marbois, "will eventually be the most powerful on earth." With this view of the piece of realty which he was placing upon the market, he declared that nothing less than ƒ80,000,000 would satisfy him for its cession. He would, however, agree that the sum of ƒ20,000,000 of this sum should be assumed by the United States as satisfaction for the spoliation claims of American citizens. The rumours that a British fleet was about to sail to seize the province was an added reason for a prompt decision.

The American commissioners, although not unmindful of the storm which would fall about their ears when the terms of their agreement should become known, saw no other escape from the dilemma in which they found themselves. To bargain thus would be to exceed by nearly tenfold the amount allotted to their use by Congress for this purpose. But, nevertheless, James Monroe — the second great expansionist whom history has given us — saw the magnificent opportunity which had opened to his country. He assented to the terms, and the convention was drawn in three parts, on the thirtieth day of April, 1803. The first of these was a treaty of cession; the second an agreement as to the time and method at and by which the payments of the purchase money were to be made; and third, a convention which provided for the payment of the claims of citizens of the United States against France, to the amount of $3,750,000. These

claims were to be paid out of the treasury of the United States, on orders of the United States minister at the French court, which orders were to be issued at the adjudication of a joint board, consisting of the French bureau to which these claims were referred, and a board of three commissioners to be appointed by the President of the United States. In this last-named convention originated the long famous French Spoliation Claims against the United States, the frequent refusals to pay which was long a blot upon its public character.

The treaty of cession recited the acquisition of the province of Louisiana, by the Treaty of San Ildefonso, October 1, 1800, "with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other states." In the same manner and terms as thus acquired from Spain, the French consul ceded Louisiana to the United States. The limits of the vast territory, the sovereignty of which thus passed from one nation to another, were indefinite in their specified terms. But the sovereignty of the United States had its western boundary at the Mississippi, and the same natural boundary was determined as the eastern boundary of the ceded territory. At the west towered the Great Divide; and no difficulty with Mexico was apprehended. Upon the north the Canadian boundary must be established. Upon the southeast the bounds of West Florida were indeterminate, and so remained until a new cession, to be

considered later, removed all contention. For the space of twelve years after the ratification of the treaty the ships of France and of Spain, by its terms, were to be admitted at Louisiana ports, when loaded only with produce or manufactures of those countries, upon the same terms as the ships of the United States coming directly from France or Spain.

By the second convention the United States engaged to pay to France the sum of *f* 60,000,000, independent of the claims of American citizens. For the payment of this sum the United States agreed to create a "stock" of $11,250,000, bearing interest at 6 per cent per annum, payable semi-annually in payments of $37,500. The principal of the "stock," or bonds, was to be payable in annual payments of not less than $3,000,000 each, the first payment to be made fifteen years after the exchange of ratifications of the treaty.

The treaty of cession and the accompanying conventions were signed by Robert R. Livingston and James Monroe on the part of the United States and by Barbé Marbois on the part of France. The momentous documents were then despatched to President Jefferson, and Mr. Monroe proceeded to London, to assume his duties as minister of the United States at the Court of St. James, to which position he had been appointed.

The news of the successful termination of the mission of Mr. Monroe was received at Washington with varied feelings. Mr. Jefferson since his inauguration had not disguised his uneasiness at the cession of Louisiana to France. In a letter

to Mr. Livingston at Paris, in April, 1802, the President had written: —

"There is on the globe one single spot the possessor of which is our natural and habitual enemy. It is New Orleans — through which the produce of three-eighths of our territory must pass to market; and from its fertility it will ere long yield more than half of our whole produce and contain more than half of our inhabitants. . . . The day that France takes possession of New Orleans fixes the sentence which is to retain her forever below low-water mark." The desirability of ridding our country of a too close contiguity of foreign neighbours, and especially of removing the necessity of relying for the freedom of our commerce upon the whim of a European monarch, impressed itself strongly upon the mind of Mr. Jefferson. The ministers of the United States at Paris, Madrid, and London had been instructed, after the Franco-Spanish alliance had become public, to prevent, if possible, the cession of Louisiana and Florida from Spain to France. Mr. Livingston had informed Mr. Jefferson that Bonaparte showed little or no inclination to dispose of his new territorial acquisition. The act of Don Morales, the Spanish intendant at New Orleans, in closing the place of deposit for American merchandise, had added greatly to the uneasiness felt at Washington; and Mr. Jefferson did not feel the utmost confidence that Mr. Monroe would be able to succeed in his mission. In an interview between Bonaparte, Talleyrand, and Marbois, before the arrival of Monroe, the astute premier had strongly opposed any proposition to

sell Louisiana, or any portion of it, to the United States. It is even asserted that Mr. Livingston's notes addressed to the First Consul, in suggestion of the sale of a portion of the Louisiana territory to the United States, had been suppressed by Talleyrand, through whose hands they had passed. The wily minister, no doubt, had indulged in dreams of the reëstablishment of the colonial power of France in the New World. He who had been able to maintain himself in power, whether Bourbon or Bonaparte was upon the throne, was ambitious as well to see the rehabilitation of the ancient prestige of France. But he was dealing with a statesman from the new republic of the West, who could not be put off by subterfuges, or deceived by the wiles of a trickster. Failing with Talleyrand, Mr. Livingston had appealed directly to Bonaparte. He urged the settlement of the claims of American merchants; he told of the feeling of interest which the reported change in the ownership of the Louisiana country had created in the United States; and he asked the First Consul directly to place a price upon that portion of the territory which lay south of the thirty-first degree of north latitude, between the rivers Mississippi and Perdido, and that portion which, on the west of the Mississippi, lay to the northward of the Arkansas. The apparent reluctance of the First Consul, and the evident hostility to the plan which was shown by Talleyrand, were a source of discouragement to Livingston; and his anxiety had been in nowise lessened by the attitude of the British press and public, which were loudly demanding the seizure of Louisiana.

When Talleyrand, meeting him, had asked abruptly, "What will you give for the whole?" the American minister, while appalled, was certainly less disheartened. That even then he was scarcely more than hoping for success is evidenced by a remark made by Livingston to Monroe, on first meeting his colleague after the arrival of the latter. "Only force," he exclaimed, "can give us New Orleans. We must employ force. Let us first get possession of the country and negotiate afterward." His anxiety had been fully shared by the administration, so that the news of the success of Livingston and Monroe in their mission was received at Washington with much satisfaction.

Some dismay, not unmixed with apprehension, was felt, however, when it was learned that the commissioners, in order to effect their purpose at all, had been obliged so greatly to exceed their instructions and authority. They had been commissioned to purchase an island and a city for a place of deposit of merchandise. They had bought, instead, a domain, in extent more than double that of France and Spain combined. Jefferson, a strict constitutional constructionist, had held that no powers were conferred upon the general government, save those which were specifically included within the body of the instrument. Inasmuch as the right to purchase and annex foreign territory was not thus distinctly specified, he was doubtful of the authority of the Senate to ratify the treaty of cession. In signing the treaty, he was quite sure that he had committed an unconstitutional act, and he so wrote to Breckenridge in August. He proposed that this act should be healed by the

adoption of an amendment to the Constitution, and even made and presented to his Cabinet a draft of such a measure.

These ideas were not received with approval by the Cabinet. Later, he returned to the discussion of this topic, and offered still another suggestion for an amendment to the Constitution. When these suggestions were received coldly by his advisers, he insisted that the boundaries of the United States were fixed in 1783, and that he could not think that the framers of the Constitution contemplated giving to Congress the power to absorb foreign territory into the Union by treaty. Such a construction, he thought, would place the treaty-making power above the Constitution, and so make that instrument of no effect.

The terms of the treaty required it to be ratified within six months after its execution, otherwise it would be of no effect. This term of six months would expire October 30, 1803. On the eighteenth of July President Jefferson issued a proclamation convening Congress in extraordinary session, on the seventeenth of October, "in order to receive such communications as may then be made to them, and to consult and determine on such measures as in their wisdom may be deemed meet for the welfare of the United States." The earnestness with which the President presented the case of the purchase of Louisiana to the consideration of Congress, on its assembling, indicates that, in his mind, the overwhelming advantages which would accrue to our country, by the possession of this territory and the control of the Mississippi and its tributaries, had far outweighed, in the

months which he had taken for consideration, the objection which, in our present light, seems to have been mainly partisan in its character. His message to Congress contained no intimation of the doubts which had filled his mind concerning the constitutionality of the measure.

"Congress witnessed at their late session," said President Jefferson in his message, "the extraordinary agitation produced in the public mind by the suspension of our right of deposit at the port of New Orleans, no assignment of another place having been made according to treaty. They were sensible that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress; but reposing just confidence in the good faith of the government whose officer had committed the wrong, friendly and reasonable representations were resorted to, and the right of deposit was restored.

"Previous, however, to this period, we had not been unaware of the danger to which our peace would be perpetually exposed whilst so important a key to the commerce of the western country remained under foreign power. Difficulties, too, were presenting themselves as to the navigation of other streams which, arising within our territories, pass through those adjacent. Propositions had therefore been authorised for obtaining on fair conditions the sovereignty of New Orleans and of other possessions in that quarter interesting to our quiet to such extent as was deemed practicable, and the provisional appropriation of $2,000,000 to be applied and accounted for by the

President of the United States, intended as part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened government of France saw with just discernment the importance to both nations of such liberal arrangements as might best and permanently promote the peace, friendship, and interests of both, and the property and sovereignty of all Louisiana, which had been restored to them, have on certain conditions been transferred to the United States by instruments bearing date the thirtieth of April last. When these shall have received the constitutional sanction of the Senate, they will without delay be communicated to the Representatives also for the exercise of their functions as to those conditions which are within the powers vested by the Constitution in Congress.

"Whilst the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the Western States, and an uncontrolled navigation through their whole course, free from collision with other powers and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our Treasury, an ample provision for our posterity, and a wide spread for the blessings of freedom and equal laws.

"With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly adopted

brethren; for securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired. Such materials, for your information, relative to its affairs in general as the short space of time has permitted me to collect, will be laid before you when the subject shall be in a state for your consideration.

* * * * * * *

"Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly $13,000,000 will then be added to our public debt, most of which is payable after fifteen years, before which term the present existing debts will all be discharged by the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of impost from increasing population and wealth, the augmentation of the same revenue by its extension to the new acquisition, and the economies which may still be introduced into our public expenditures, I cannot but hope that Congress, in reviewing their resources, will find means to meet the intermediate interest of this additional debt without recurring to new taxes, and applying to this object only the ordinary progression of our revenue. Its extraordinary increase in times of foreign war will be the proper and sufficient fund for any measure of safety or precaution which that state of things may render necessary in our neutral position."

Action of the Senate upon the question of the

ratification of the treaty and conventions was prompt, almost immediate. On the seventeenth of October the documents were laid before that body by the President. On the nineteenth they were formally ratified by a vote of twenty-four to seven; and the ratifications were at once exchanged with the French chargé d'affaires. On the twenty-first, in a special message to Congress, President Jefferson informed that body of this action, and requested the further consideration which the circumstances rendered necessary. Inasmuch as the third convention provided for the issue of bonds and the payment to France of the sum stipulated as the purchase money, action of the House of Representatives was imperative. And now began the real struggle of the opponents of the treaty and of the cession, the floor of the House of Representatives being the arena. The opposition instantly assumed a partisan form, and the members of the Federal party in Congress arrayed themselves against the consummation of the purchase. The leader of the opposition was Mr. Griswold of Connecticut, who has already appeared in the narrative as endeavouring to procure the passage of a resolution calling for papers in the matter of the cession of Louisiana by Spain to France. It now becomes apparent that Mr. Griswold's object had been to hinder action on the resolution to appropriate $2,000,000, to be placed in the hands of the President for purposes understood and specified in the secret report of the committee. He now renewed his demand for copies of these papers, questioning the title of France to the territory

ceded, and the right of that nation to dispose of it to the United States.

In the debate which ensued, the Republican members argued that the treaty itself, in its first article, affirms the right of France to the sovereignty of the soil, and guarantees to put us in possession whenever the stipulations should have been carried into effect by Congress. This constituted, it was argued, in effect a warranty deed, hence no proof of title was necessary. A few months before, it was urged, those who were now questioning the validity of the treaty were urging the capture of New Orleans by force. The treaty and conventions, it was declared, themselves make our title beyond dispute. This view was sustained by the House of Representatives, though by a close vote of 59 to 57. The next movement of the Federalists was an attack upon the treaty itself as unconstitutional, under the guise of opposition to a bill authorising the President to take possession of the ceded territory and appoint officials for its temporary government. In this argument, unknown doubtless to themselves, the opponents were following essentially the opinions of Mr. Jefferson; but this fact was sedulously guarded from the public by the President's friends. That it might be observed that, in submitting the treaty and conventions to Congress, Mr. Jefferson had given no hint of his sentiments upon this point, the exact words of his message have been transcribed.

It was urged by Mr. Griswold that this treaty was unconstitutional, first, because the treaty-making power does not extend to the acquisition

of foreign soil and the incorporation into our body politic of a foreign people; secondly, because, by one article of the treaty, the ships of France and Spain were to be permitted to enter the ports of the ceded territory for a term of years upon the same terms as American vessels. New Orleans, then, for this period, was to be a favoured port, in contravention of the provision of the Constitution which declares that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another"; and, thirdly, because this was an attempt of the President and Senate to regulate trade with two foreign nations, a power expressly delegated by the Constitution to Congress alone.

The Hon. John Quincy Adams, a senator for Massachusetts, confessed that two articles of the treaty, in his opinion, contained engagements placing us in a dilemma from which he saw no possible mode of extricating ourselves but by an amendment, or rather an addition, to the Constitution. But even if the President and the Senate may have exceeded their powers, he was of the opinion that, so much in public favour was this transaction, by which we had acquired this territory, a proposition to amend the Constitution, to meet this requirement, would be readily adopted by the legislature of every State in the Union.

In the House of Representatives the debate was long and at times bitter. Attacks were made upon the President, as a usurper of powers resting only in the House of Representatives. He was charged with having made this treaty in the face of Spanish opposition, and of having

thereby, perhaps, precipitated a war with Spain. "If our possession should be opposed, or our right of property hereafter contested," exclaimed Representative Purviance of North Carolina, "let the President look to it. He only will become responsible for every drop of American blood which may be drawn in such a contest, as he ought to have communicated any information to this effect which he possessed." Mr. Thatcher of Massachusetts argued that "this acquisition of distant territory will involve the necessity of a considerable standing army, so justly an object of terror." The acquisition of Louisiana, he urged, would not make us invulnerable, for Spain yet holds territory to the westward. By Mr. Mitchell of New York it was urged that we have no moral right to acquire foreign territory without the consent of the people there residing.

Senator Pickering of Massachusetts was more pronounced than was Senator Adams in his expression of belief in the unconstitutionality of the treaty. He made especial objection to the third article of the treaty, which provided that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States." Neither the President, nor the Senate, nor Congress has power, he argued, to admit foreign territory into the Union. This power, he believed, lay wholly with the States. In this view Senator Tracy of Connecticut shared. Representative Griffin of Virginia feared the effect of the vast extent of our country. He feared the effect of the greatly increased value of labour, of the decrease in the value of lands, and the influence of the climate of

the new region upon those who should settle there. Senator Plumer of New Hampshire in the results of this annexation saw only ruin for the Union and destruction for New England. "Admit this western world into the Union," he exclaimed, "and you destroy at once the weight and importance of the Eastern States and compel them to establish a separate, independent empire." Senator James White of Delaware saw almost unnumbered ills in this increase of our boundaries. "If Louisiana should ever be incorporated into the Union," he said, "I believe it will be the greatest curse that could at present befall us. It may be productive of innumerable evils, and especially of one that I fear to ever look upon. . . . Thus our citizens will be removed to the immense distance of two or three thousand miles from the capital of the Union, where they will scarcely ever feel the ways of the general government; their affections will become alienated; they will gradually begin to view us as strangers; they will form other commercial connections, and our interests will become distinct. . . . And I do say that under existing circumstances, even supposing that this extent of territory was a desirable acquisition, fifteen millions of dollars was a most enormous sum to give."

The administration members defended the action of the President as wholly constitutional, since the right to acquire territory is a sovereign right and as such lay in each one of the thirteen original sovereign States. These States, in ratifying the Constitution, had surrendered to the federal government the treaty-making power, as well as

the power of making war. There are, it was argued, two methods of acquiring territory, — by purchase and by conquest. The first of these methods appertains to the treaty-making power, the second to the war-making power. With the surrender by the States of these powers to the general government, they had surrendered to it the right to acquire new territory, either by method of purchase or of conquest. To the argument that the Constitution forbids discrimination between the ports of different States, in matters of commerce, it was urged that Louisiana was not to be admitted as a State; but that its relation to the Union was to be as that of a colony, whose commerce could be regulated by legislative enactment.

By an overwhelming majority of ninety to twenty-five the arguments of the administration members were approved, the treaty and the conventions sustained, and the resolution adopted — the debate having been held in a committee of the whole — that the provisions of the treaty should be carried into effect.

But the battle was not yet ended. When a bill authorising the issue of bonds for the payment of the sum stipulated was introduced, it was again waged, and the old ground again fought over. But the struggle was vain. The issue was authorised; and in these votes were decided, for all time, two important constitutional questions. "The first," says McMaster, "established the right of the President and Senate to buy foreign soil; to this both Federalists and Republicans agreed. The second established the fact that foreign soil

could, by the treaty-power, be incorporated into the Union."[1]

The form of government to be established for the colony thus acquired was an important question which arose and demanded adjudication. The bill which had been introduced provided that the President should take possession of the territory, employing the army and navy, if necessary, for that purpose, and until such time as Congress should provide a form of government should appoint such military and civil officers as might be necessary for its proper government. At this the Federalists took alarm. Such a government was in opposition to all principles on which our country and its government was founded. To sanction such a government would be to legalise a despotism in which the people of the province were granted no vestige of civil rights, such as are guaranteed to all the people of the United States by our Constitution. But it was shown, on the other hand, that it is provided in the Constitution that "Congress shall have power to make all needful rules and regulations respecting the territory and other property belonging to the United States." This argument proved conclusive, and the bill, with some slight amendments, was passed by both houses of Congress, and became a law October 31, 1803.

The formal delivery of the ceded territory by France to the United States remained to be performed. It was still in the custody of Spain, and its delivery to France must first be effected. For this purpose the King appointed the Marquis de

[1] McMaster, III, 9.

Cassa Calvo and Don Juan Manuel de Salcedo as his commissioners. The First Consul of France appointed for the same purpose Peter Clement Laussat. The ceremony which followed in the great hall of the Cabildo in New Orleans was imposing and magnificent. This occurred on the thirtieth of November, 1803. Attended by a retinue of officials and priests, and surrounded by a great throng of people, the commissioners entered the hall. At the stroke of the bell which announced high noon, the French commissioner displayed the order of the King of Spain for the transfer of the province to the custody of France. This he followed by a reading of his commission from the First Consul, by which he was authorised to receive it. A formal delivery of the keys of the city by De Salcedo followed. The Marquis de Cassa Calvo then appeared upon the balcony of the palace and addressed the populace and the troops drawn up in the square below, absolving the former from their allegiance to Spain. Solemnly and in profound silence the red and gold banner of Spain was then lowered from its staff and the standard of France was raised in its place.

The title of France was now undisputed; but by the provisions of the Treaty of San Ildefonso, France was bound to make no transfer of the province without the consent of Spain being first gained. This consent had not been given, and, indeed, the Spanish minister at Washington had thrice, in the name of the King of Spain, protested against the sale to the United States. Prompt action was necessary. No French troops had accompanied the French commissioner to New

Orleans, and it was feared that, with the withdrawal of the Spanish troops, the disorderly elements in the city might rise in rapine and riot. To avert this possibility a volunteer military organisation, composed of such Americans as chanced to be in the city, was formed, and guards were posted about the streets and squares.

President Jefferson, under this fear of possible disorder, and also recognising the possibility that Spain might resist with force the transfer of the province to the United States, hastened his military preparations. Troops from neighbouring States and from Mississippi Territory were ordered to be held in readiness. The President appointed William C. C. Claiborne, governor of Mississippi, and General James Wilkinson as commissioners of the United States to receive the newly acquired domain from the representatives of France. Governor Claiborne was also appointed to be the temporary governor and intendant of the province. The ceremony was as dramatic and imposing as had been that of three weeks previous, when the tricolour of France took the place of the red and gold banner of Spain. On the twentieth day of December, 1803, the American troops, accompanied by Messrs. Claiborne and Wilkinson, marched upon the city of New Orleans. Demanding admission at the gates, they were admitted and received by the small detachment of Spanish troops yet remaining in the city. They were escorted to the Place d'Armes, the square which had but just witnessed the other remarkable ceremony. Within the Cabildo was performed the office of accepting the

transfer of the province by the commissioners in behalf of the United States. Again were the keys of the city delivered to a new possessor, and again were the people absolved from their allegiance to an European sovereign. Then they were bade welcome as citizens of the Republic, by Governor Claiborne, in these words: —

"Fellow-citizens of Louisiana: On the great and interesting event now finally consummated, — an event so advantageous to yourselves, and so glorious to united America, — I cannot forbear offering to you my warmest congratulations. The wise policy of the Consul of France has, by the cession of Louisiana to the United States, secured to you a connection beyond the reach of change, and to your posterity the sure inheritance of freedom. The American people receive you as brothers, and will hasten to extend to you a participation in those inestimable rights which have formed the basis of their own unexampled prosperity. Under the auspices of the American government you may confidently rely upon the security of your liberty, your property, and the religion of your choice. You may with equal certainty rest assured that your commerce will be promoted and your agriculture cherished; in a word, that your true interests will be among the primary objects of our national legislature. In return for these benefits the United States will be amply remunerated if your growing attachment to the Constitution of our country, and your veneration for the principles on which it is founded, be duly proportioned to the blessings which they will confer. Among your first duties,

therefore, you should cultivate with assiduity among yourselves the advancement of political information; you should guide the rising generation in the paths of republican economy and virtue; you should encourage literature, for without the advantages of education your descendants will be unable to appreciate the intrinsic worth of the government transmitted to them. As for myself, fellow-citizens, accept a sincere assurance that, during my continuance in the situation in which the President of the United States has been pleased to place me, every exertion will be made on my part to foster your internal happiness and forward your general welfare; for it is only by such means that I can secure to myself the approbation of those great and just men who preside in the councils of the nation."

This formal transfer included, however, only the city of New Orleans and the province of Lower Louisiana. It was nearly three months later, on the ninth of March, 1804, that Spanish sovereignty in Upper Louisiana was replaced by French control; and upon the next day this in turn was succeeded by the rule of the United States.

The ceremony of lowering the French flag from the Cabildo, and of raising in its place the colours of the United States, was similar in detail to that which this square had witnessed when Spanish sovereignty withdrew forever from the control of the mouth of the Mississippi. Both had their counterpart, both in detail of incident and in significance, ninety-five years later, when, in the great square of the city of Havana, amid the booming of guns at high noon, the flag of

Spain sank from its staff, never to rise again, and Spanish rule in the western hemisphere was forever extinguished.

The territory which thus became a part of the domain of the United States was indefinite in its boundaries. The treaty was "couched," said Chief Justice Marshall, "in terms of studied ambiguity." By these terms the territory was ceded by France to the United States, "as fully and in the same manner as they have been acquired by the French Republic." When complaint was made to Napoleon of the obscurity of these terms, he is said to have replied that, "if an obscurity did not already exist, it would, perhaps, be well to make one." In conversation with M. de Talleyrand, Minister Livingston is said to have asked: —

"What are the eastern bounds of Louisiana?"

"I do not know," was the reply. "You must take it as we received it."

"But what did you mean to take?" pursued Livingston.

"I do not know," again replied the wily prince.

"Then you mean that we shall construe it in our way?" suggested Livingston.

"I can give you no direction," answered Talleyrand. "You have made a noble bargain for yourselves, and I suppose you will make the most of it."

In these persistent queries Mr. Livingston referred, not to the eastern boundary above the thirty-first degree of north latitude, for this was fixed by the river Mississippi, a natural boundary. It was evidently his desire to learn, if possible, at

what point France assumed to claim a dividing line with the Spanish province of West Florida. In this endeavour he failed, and this remained a question of dispute with Spain until it was definitely settled, fifteen years later, by a purchase of the Floridas, and their annexation to the domain.

By what appears now to have been a misunderstanding of the French claim, the United States set up a claim to territory east of the Mississippi, extending to the Perdido River, and in the year 1811 our government made good this claim by insisting upon this as the boundary between Louisiana and Florida, and took military possession of that territory. The entire region known as Louisiana, and included in the purchase, comprised the region now covered by the States of Louisiana, Arkansas, Missouri, Iowa, Nebraska, the Dakotas, portions of the States of Minnesota, Colorado, Kansas, Montana, and Wyoming, the Indian Territory and Oklahoma. In area it comprised an extent of 883,072 square miles.

On the twentieth day of December, 1803, Governor Claiborne, as already narrated, took possession of New Orleans and Lower Louisiana as the representative of the United States, and General James Wilkinson, his co-commissioner, remained in New Orleans as the military commandant. But although the flag of the United States had been formally raised, and the sovereignty of that government had been formally extended over the city and territory, a vestige of Spanish rule remained, and created not a little disquietude. Indeed, it had been reported, and the report had reached the ears of Mr. Pinckney, the minister of

the United States at Madrid, that Spain designed opposing the delivery of Louisiana to France. It was well known that it was the claim of Spain that by the Treaty of San Ildefonso France had engaged to make no sale or transfer of Louisiana without first giving to Spain the opportunity of purchase. This opportunity had not been given; and in addition to this circumstance, the open disagreement of the United States and Spain, as to the question of the boundaries of West Florida, served to add to the suspicion that Spain was not acting in good faith. On the tenth of January, 1804, Mr. Pinckney, not being then aware that the transfer of the territory had already occurred, addressed a note to the Spanish Secretary of State, Pedro Cevallos, making inquiry whether any opposition to the transfer were contemplated. To this note, Cevallos, after a month's delay, replied: —

"I have to offer to your notice that the King's minister in the United States has been informed that his Majesty has given no order whatever for opposing the delivery of Louisiana to the French; and that the report current in the United States or elsewhere, of the existence of such an order, is wholly without foundation, since there is no connection whatever between the pretended opposition and that representation made by his Majesty's minister to the government of the United States on the defect which impaired the sale of Louisiana made by France, in which he manifested the just motives of the Spanish government for protesting against an alienation which France had promised never to make.

"At the same time that his Majesty's minister in the United States is charged to inform the American government of the falsity of the above rumour, he is ordered to make known to it that his Majesty has thought proper to renounce his protest against the alienation of Louisiana by France, notwithstanding the solid motives on which that protest was founded, affording in this way a new proof of his benevolence and friendship for the United States."

Notwithstanding this disclaimer, many months passed, after the territory had passed into the hands of the United States, before the military forces of Spain were withdrawn. They continued their possession of the barracks, the hospital, the storehouses, and the magazines; and although no hostile acts were performed, their officers and men continued to stalk about the streets of the city, and were often heard openly to boast that before long the Spanish flag would be again raised and Spanish sovereignty restored. Meanwhile, the American troops were obliged to remain in camp, and the United States was forced to hire buildings in the city for the storage of supplies. It was not until April, 1804, that the first transports arrived to convey a detachment of these Spanish troops to Florida, and it was July before the magazines were at last surrendered to the United States. Many months were yet to elapse before the last Spanish soldier would turn his back upon the city of New Orleans; so that, although by the terms of the treaty the Spanish forces were to leave the territory within three months after ratification, it was more than a year

after that event before this provision was complied with.

The colony continued under the rule of Governor Claiborne, with General Wilkinson as military commandant, for a few months only. The need of a government with some approach to permanency and efficiency was urgent, and a petition was soon forwarded to Congress from the merchants and other inhabitants of New Orleans, praying for the establishment of such a government. The petition was scarcely necessary, for Congress at once set about the task of framing a plan of government for the new Territory. In March, 1804, a bill was introduced for the division of Louisiana into two portions. New Orleans and the surrounding region was, by this bill, formed into the Territory of Orleans, and Upper Louisiana was to be known as the District of Louisiana.

The plan of government proposed for Orleans called forth a storm of opposition, those members who had objected to the treaty and attempted to thwart the cession being the chief opponents. It was provided that the government should comprise a governor, to be appointed by the President for the term of three years, a legislative council of thirteen members, a superior court, and such inferior courts as the council might see fit to create. The councillors were to be appointed by the President, and the consent of the Senate to their appointment was not required. To the governor was given the power to repeal or amend the laws already in force in the Territory, as in his judgment it seemed best, and to submit such

readjustment of laws to the council, for their approval or rejection.

Although this plan included some features by no means similar to the form of government in the States, it was urged by its advocates that such requirements were necessary to the mixed population of the Territory, and to a people who, for years ground down by Spanish oppression and untaught in republican principles, were as yet unfitted for the full exercise of political liberty as understood by the people of the States. The passage of the bill was strenuously opposed by others, who urged that its terms were in violation of the treaty, of the Constitution, and of every principle of republican government. So violent was the opposition that the bill was modified by restricting the term of the governor to one year, while other provisions remained the same.

This form of territorial government failed to meet the approval of a considerable number of the people of New Orleans, and their uneasiness was enhanced by the long delay of Spain in withdrawing its troops from the city. The morning and evening guard-mount of Spanish sentinels was a source of much irritation. The formal appointment of Claiborne as governor of the Territory of Orleans was by no means acceptable. Laussat, the French commissioner, who remained for a time at New Orleans, felt that a mistake had been made in this appointment; for this was a young man, not yet thirty, whose experience in statecraft was but slight, whose knowledge of law was even less ample, and who was totally ignorant of either Spanish or French — the

two languages chiefly spoken in the city. A petition sent from the people of New Orleans reached Congress simultaneously with one from a convention held by the people of Upper Louisiana at St. Louis. This action served to produce a modification of the act which had been passed. The District of Louisiana was erected into the Territory of Louisiana; and the government of the Territory of Orleans was so far modified that a general assembly of twenty-five delegates, to be chosen by the people, was authorised and established. It was also promised that when the number of free inhabitants of Orleans should reach sixty thousand, the Territory should be erected into a State and admitted to the Union. With this plan of government and with this promise the people of Louisiana were forced to be content; and nine years later, on the thirtieth of April, 1812, upon the anniversary of the signing of the treaty of cession, the Territory of Orleans became a member of the sisterhood of States under the name of Louisiana.

The cost of the region thus obtained and added to our domain (exclusive of claims of American citizens against France, which were assumed by our government) was fifteen millions of dollars. To this must be added the interest on the bonds issued, which amounted to $8,529,353 more, making a total cost of $23,529,353.

The mineral products of the State of Colorado alone, itself a small fraction of the territory acquired, for the year 1897, were of the value of nearly thirty-six millions of dollars.

CHAPTER III

CESSION OF THE FLORIDAS

UNLIKE the province of Louisiana, the territory of the two Floridas, up to the time of its cession to Great Britain in 1763, had, from the beginning of its history, been recognised as a Spanish province. Early in the history of the discovery and exploration of the New World, a papal bull had secured the newly-found land to Spain and Portugal, and at an early day South and Central America and the West Indies were overrun by Spanish invaders. The story of the discovery and occupation of Florida, although adding a bloody page to the narrative of Spanish rule in America, is one of romance and novelty. It begins with the coming hither of Juan Ponce de Leon, who, sailing about the Caribbean Sea and among its islands of palms, in search of the fountain of perpetual youth, was told by an Indian girl that upon this peninsula he would certainly find the mystic waters which he sought. On Palm Sunday, 1512, he drew near the coast in search of the waters which "flowed as a river, on whose banks lived the rejuvenated races in serene idleness and untold luxuriance." In memory of the day De Leon called the country Florida. Next we hear of Diego Muruelo, a Spanish navi-

gator, who is said to have sailed to the north and west from Cuba, and returned with gold and precious stones and wonderful stories of what he had seen. Then came the adventurer, Vasquez de Ayllon, who visited the coast in 1520, and having enticed a hundred and thirty natives on board his ships, sailed away with them and sold them into slavery. Next we see Pamphilo de Narvaez, in April, 1528, standing off the Florida coast with his fleet of Spanish sail, and at length landing and taking formal possession of the country in the name of the King of Spain. He then proclaimed himself ruler of the country, and thus declared himself to the native inhabitants: —

"You will not be compelled to accept Christianity, but when you shall be well informed of the truth, you will be made Christians. If you refuse, and delay agreeing to what I have proposed to you, I testify to you that with God's assistance I will march against you, arms in hand. I will make war upon you from all sides and by every possible means. I will subject you to the yoke and obedience of the Church and his Majesty. I will obtain possession of your wives and children; I will reduce you to slavery. I notify you that neither his Majesty, nor myself, nor the gentlemen who accompany me, will be the cause of this, but yourselves only."

With an army of four hundred men Narvaez penetrated the interior, attacking the Indian villages with cruelties characteristic of the Spanish explorer, and finally losing his life, with almost all his followers. Four only of the party were saved from death, and these, led by Cabeça de

Vaca, journeyed painfully through the country and along the Gulf coast until they reached the Spanish settlements in Mexico. The narrative of De Vaca, published in 1555, is the earliest known description of Florida.

Next we hear of Hernando de Soto, after service in behalf of his sovereign in aiding Pizarro in the extermination of the Peruvian natives, returning to Spain and receiving as his reward a commission as Adelantado and Marquis of Florida. With a fleet of seven ships and three cutters he visited this coast, and landed in Florida in May, 1539. He at once began a march through the country, and the cruelties of Narvaez were repeated. In a fruitless search for gold he marched for more than three years, hither and thither, penetrating to the Red River and beyond. At last, in the far wilderness, on the banks of the Mississippi, disheartened and disappointed, he yielded up his life. His followers, depleted in numbers, at length made their way to the Spanish settlement of Pánuco, in Mexico, leaving desolation in their track.

In the year 1559, still another Spanish attempt at an exploration of Florida was made, this under the command of Don Tristan de Luna. With a force of fifteen hundred soldiers, and accompanied by a large number of monks, he sailed from Vera Cruz and landed near the present site of Pensacola. But the experience of this expedition was not more successful than had been those which had preceded it. They were distressed by hunger, weakened by losses, and scattered by mutiny and disorder, and the leader finally returned with

the remnant of his company, having accomplished but little.

Next we read of attempts at Huguenot settlements in this region. In February, 1562, a company of French Protestants, under the leadership of Jean Ribault, left France for the purpose of forming a settlement at or about the latitude of Florida. After touching at the present site of St. Augustine, they finally landed, built a stockade, and attempted a settlement near the place now known as Port Royal, South Carolina. Ribault returned to France in July, intending to return with a larger company. He left twenty-six settlers behind him who, without a suitable leader, speedily became demoralised. They finally resolved to return home and, having no vessel, built a craft with such materials as they could gather, and in such manner as they were able. It was rigged with such cordage as they could make from the fibrous plants of the region, calked with moss, and fitted with sails made from their garments. In such a craft they attempted to cross the ocean and return to their homes. After proceeding some distance they drifted into a region of calm, and thus, unable for weeks to make any progress, they were driven at last, for lack of food, to the dreadful resort of eating the flesh of one of their own number. Strangely enough, the survivors were rescued by a passing vessel and were taken to England.

Two years after the return of Ribault to France a new expedition was fitted out for the relief of the colony, which was supposed still to be in the place where it was planted. This second expedi-

tion, like the first, was sent out at the suggestion of the Admiral Gaspard de Coligni, then the head of the Protestant party in France, himself one of the first to fall in the great massacre of St. Bartholomew's eve. It was commanded by one Captain René Laudonnière, who had accompanied Ribault. In June, 1564, the company landed upon Anastasia Island, in the harbour of St. Augustine, after having visited the site of the former settlement and found it deserted. A settlement was formed on a high point of land on St. John's River; but discontent was succeeded by mutiny. No effort was made to cultivate the soil, the settlers relying wholly upon the stock of gifts which they had brought in the ships for the purchase of supplies from the Indians. When these were exhausted, further supplies were not forthcoming. This improvidence engendered discontent and distress; and the settlers, having purchased a ship from Sir John Hawkins, the English navigator, who had made a brief stop here, were about to take their departure for France, when a third expedition, this time under the command of Ribault, appeared in the harbour. A fleet of seven vessels had now brought reënforcements to the colony to the number of six hundred and fifty, and all thought of abandoning the enterprise was surrendered. This was in August, 1565.

Philip II, who had learned of the French attempts at settlement in Florida, was doubly incensed. He was angry that Frenchmen should presume to enter upon territory which Spanish explorers had seized in the name of the King of Spain; he was doubly distressed at the prospect

of a propagation of the Protestant faith among the Indians, for whose salvation Narvaez had shown so great solicitude. Under the command of Don Pedro Menendez de Avilla the King had authorised the equipment of an expedition for the extermination of these presumptuous Protestants. If Menendez should succeed in this undertaking, he was promised the title of Marquis, a large tract of land, and the freedom of all Spanish ports. With a fleet of thirty-five vessels he set out, convoying a force of three thousand men, besides a party of twenty-six monks and priests. But this armada, like that other and greater one, was scattered by storms, and so many vessels were sunk or disabled that six only remained to reach their rendezvous at Puerto Rico. With the remnant of his fleet Menendez sailed for Florida, and arrived off the coast on August 28 — St. Augustine's Day of the Roman calendar. Finding the French fleet at St. John's River, Menendez prepared for an attack; but the French vessels, being more swift than the Spanish, escaped. With music and banners, and preceded by a Spanish priest bearing a cross, the company landed; and there was founded the city of St. Augustine. Formal possession was now again taken of the country, in the name of the Spanish King. The French fleet having followed the Spanish down the coast, prepared to attack the enemy; but as it came in sight of the latter a storm arose and the fleet was scattered. The Spaniard, Menendez, seeing his opportunity, sent an armed expedition up the coast by land. Reaching the French fort, this force first knelt in

prayer, and then charging upon the stockade — the men of the garrison being, for the most part, absent with the fleet — began an indiscriminate slaughter. The women and children who escaped slaughter were enslaved. The men who were captured were hanged upon the trees, and their bodies inscribed with this legend, written in the Spanish tongue, "We do this, not to Frenchmen, but to Lutherans." After burning a large number of Bibles found in the fort, Menendez returned to St. Augustine with a portion of his force, leaving the remainder to erect a church to commemorate the murder of the Lutherans. The fleet of Ribault was cast on shore not far from St. Augustine, and the entire force of three hundred and fifty-eight men were captured. Of these five, declaring themselves to be Catholics, were spared. The remaining three hundred and fifty, declaring themselves to be of the new religion, were, by order of Menendez, put to death, and their bodies cast upon the shore to feed the buzzards. A smaller party, comprising about one hundred and fifty men, was spared.

Menendez reported his triumph to the court of Spain, and letters of gratitude and commendation were sent to him from Philip II and from Pope Pius V. The intelligence occasioned great rejoicing at Madrid. Although urged to avenge the murder of his subjects, Charles IX — the victims having been Huguenots — had no word of blame for the Spaniard, Menendez. A private expedition went out, however, at the expense and under the command of Dominique de Gourgues. In April, 1568, the Spanish were

surprised and attacked in their stronghold, and the greater number of them killed. Some were taken to the very spot where the Frenchmen had been hanged and disposed of in like manner. Over them was placed an inscription which recalled that which Menendez had placed above his victims, "I do this, not as to Spaniards or mariners, but as to traitors, robbers, and murderers."

But although the murder of their countrymen was thus avenged by the men of the French expedition, no attempt was made to dispute the title of Spain to the territory in which these things happened. Indeed, the papal bull would serve to bar any claim made by a Catholic nation. Spanish towns sprang up along the coast, and Spanish missions, for the propagation of the Roman faith among the Indians, were established. An order was issued by Philip II prohibiting foreigners, upon pain of death, from setting foot in Florida. In May, 1586, the fort and town of St. Augustine was attacked and partially destroyed by an English force, under command of Sir Francis Drake. Again, in 1665, the town was plundered by a force commanded by Captain Davis, an English buccaneer. This was probably by virtue of a claim made by England, in 1663, that Florida was included within the territory of the Carolinas, this claim being based upon the discoveries of Cabot. In 1670 an English colony was established near Beaufort, South Carolina. This the Spanish resented as an encroachment upon their territory, and attacks and counter-attacks by Spanish and English continued,

from time to time, until, by the treaty of 1763, in readjustment of the respective territorial claims of England, France, and Spain in America, the territory of Florida passed from Spanish to English control.[1]

During the early part of the struggle of the English colonies in America for their independence, St. Augustine was employed by the mother country as a point from which operations were made against the southern colonies, and it was also a place of asylum for royalists. In the year 1781 the territory was established as a partially self-governing colony, and a general assembly of two houses was called. Thus, for the first time in the history of Florida, in March of this year, were the people of this province granted authority to make any of their own internal laws.

From the time when, in 1629, the Bahama Islands were first visited and settled by the English, up to the time of the peace of 1783, the fortunes of these islands had been varied. Alternately they were seized and occupied by Spanish and English, and during one period they were the resort of Blackbeard the pirate and others of his kind. In the early part of the eighteenth century a prosperous English colony was well established at Nassau, but its progress was retarded by agricultural disasters. In 1776 it was captured by the American commodore, Hopkins, who soon abandoned it, and in 1782 it was retaken by the Spanish governor of Cuba. Spain retained the nominal control of these islands until the year 1783, but in June of that year they were re-

[1] *Supra*, p. 8.

captured by a British loyalist force from South Carolina.

When, by the peace of 1783, the entire Atlantic coast-line, from Passamaquoddy Bay to St. Mary's River, was abandoned by Great Britain, the occasion was taken to settle the points of dispute between that power and Spain as to the possession of Florida and the Bahamas. By this settlement Florida was re-ceded to Spain, while the Bahamas were retained in English possession, where they still remain.

By the terms of the treaty of peace the southern bounds of the territory, over which British sovereignty was renounced, were fixed at the thirty-first parallel of latitude at the river Mississippi, thence along that parallel to the river Appalachicola,—now known as the Chattahoochee,—down the middle of that stream to the Flint, from the confluence of these two streams to the head waters of the river St. Mary's, and thence to the sea. South of this boundary line was recognised as Spanish soil. From this time on, until the final purchase and occupation of the Floridas by the United States, an unsettled controversy existed concerning the true ownership of West Florida. Spain claimed that the province of West Florida, as ceded by Great Britain, remained as it was declared to be in 1763 by proclamation of George III. This included a section of territory extending as far north as the mouth of the Yazoo, and for a time Spain held by force this region. By a treaty in 1795 Spain renounced her claim to any land to the north of the thirty-first parallel, but still laid claim to the territory

south of that parallel and between the rivers Iberville and Perdido. This region the United States claimed under the Louisiana cession of 1803. This disputed territory the United States formally claimed by resolution of Congress in 1811, passed in secret session, and made public six years later.

Almost from the establishment of the Republic, the United States had regarded the possession of Florida as essential to its commercial prosperity. Several important rivers rising within the bounds of the United States, and flowing southward, found an outlet in the Gulf through territory claimed by Spain. Controlling, as it did, the mouths of these streams, Spain would be able, in case of impending or actual war, to close the navigation of these rivers to American commerce. It will be remembered that, when James Monroe was sent as a commissioner to Paris to treat for the purchase of Louisiana, he was authorised, at the same time, to treat for Florida as well. This was under the belief that Florida, as well as Louisiana, had been ceded by Spain to France.

During the first session of the Eighth Congress, an act was passed defining the imposts for Louisiana, and extending to that territory the other general laws of the United States. This act also laid out the bounds of the customs districts, giving to the President power to erect into such districts all the Gulf shore, with its bays and inlets, from the Pascagoula eastward. This latter portion of the act gave great offence to Spain; for it amounted to a seizure, or at least to a formal claim, to territory still claimed by that nation. So angry was

the Spanish minister at Washington that, in making his protest against it to the American Secretary of State, he forgot the usual courtesies of diplomatic intercourse and, entering abruptly the office of that official, made a most earnest and emphatic verbal objection, demanding the repeal of the act. This protest, undiplomatic as it was in form, was not ineffectual. On the twentieth of May, 1804, President Jefferson, by proclamation, erected "the shores, waters, and inlets of the bay and river of Mobile and of the other rivers, creeks, inlets, and bays emptying into the Gulf of Mexico east of the said river Mobile and west thereof to the Pascagoula, inclusive, into a separate district for the collection of duties on imports and tonnage," and established this region as a port of entry under the name of the "District of Mobile." In his fourth annual message to Congress, in November, 1804, President Jefferson said that this act had been misunderstood by Spain, and that "candid explanations were immediately given and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated, in the meantime, inconsistent with the peace and friendship existing between the two nations." President Jefferson also informed Congress, in this message, that the objections which had been urged by Spain to the Louisiana cession had been withdrawn. This statement was based upon the correspondence between Minister Pinckney at Madrid and the Spanish Secretary of State, Cevallos, as detailed already.[1]

[1] *Supra*, p. 13.

The relations of the United States with Spain, despite the attempt at explanation by President Jefferson, were now more than ever strained. In his fifth annual message to Congress, December 3, 1805, President Jefferson said: "With Spain our negotiations for a settlement of differences have not had a satisfactory issue. Spoliations during a former war, for which she had formally acknowledged herself responsible, have been refused to be compensated, but on conditions affecting other claims in no wise connected with them. Yet the same practices are renewed in the present war, and are already of great amount. On the Mobile our commerce, passing through that river, continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While, however, the right is unsettled, we have avoided changing the state of things by taking new posts or strengthening ourselves in the disputed territories, in the hope that the other power would not by contrary conduct oblige us to meet their example and endanger conflicts of authority the issue of which may not be easily controlled. But in this hope we have now reason to lessen our confidence. Inroads have been recently made into the territories of Orleans and the Mississippi, our citizens have been seized and their property plundered, in the very parts of the former which had been actually delivered up by Spain, and this by the regular officers and soldiers of that government. I have therefore found it necessary at length to give orders to our troops on that frontier to be in

readiness to protect our citizens and to repel by arms any similar aggressions in future."

In addition to these depredations upon our citizens and our commerce, a convention of 1802, by which an understanding had been reached concerning an adjustment of claims for Spanish spoliations of American commerce, was refused ratification by Spain. That nation, irritated at the establishment of the customs district of Mobile, had insisted upon a boundary for West Florida at the Iberville, leaving to us, as expressed by President Jefferson, in a special message to Congress in December, 1805, "but a string of land on that [the east] bank of the Mississippi."

"Our injured citizens," continued Mr. Jefferson, "were thus left without any prospect of retribution from the wrong-doer, and as to boundary each party was to take its own course." Certain documents submitted with the message authorised the inference that it was the intention of the Spanish "to advance on our possessions until they shall be repressed by an opposing force." There was then the prospect of war with Spain, and to avert this, and at the same time to secure to us a free commerce to the Gulf, President Jefferson made a secret proposition to Congress, that an appropriation of two millions of dollars be made for the purpose of purchasing the Floridas. A bill to this effect was passed and signed by the President in February, 1806.

In the meantime Mr. Jefferson, as he informed Congress in a special message of December 6, 1805, "to obtain justice as well as to restore friend-

ship," "thought a special mission advisable, and accordingly appointed James Monroe minister extraordinary and plenipotentiary to repair to Madrid and, in conjunction with our minister resident at that post, Charles Pinckney, to endeavour to procure a ratification of the former convention [of 1802], and to come to an understanding with Spain as to the boundaries of Louisiana." Mr. Monroe, who was at that time minister of the United States at the court of St. James, at once left London for Madrid upon his delicate mission. An attempt to conclude the purchase of Florida in accordance with the vote of Congress — Mr. Armstrong of New York and Mr. James Bowdoin of Massachusetts being the American commissioners — had already failed. After five months of fruitless endeavour, Mr. Monroe and Mr. Pinckney were obliged to relinquish their effort and abandon the attempt to settle the existing difficulties. The Spanish military forces, who were still lingering in New Orleans, were now ordered to leave at once, and for a time the relations between the two nations appeared to be upon the point of rupture.

In this contention as to the boundary of West Florida, the United States was unable to secure the coöperation of France in its behalf; a position which was doubtless anticipated when was remembered the reticence of Talleyrand, when pressed to a definite statement as to this boundary. In May, 1805, Mr. Monroe, baffled in his purpose, took his leave of the King of Spain, and returned to his post at London.

In his sixth annual message to Congress, De-

cember 2, 1806, President Jefferson informed Congress that a Spanish military force had pushed to the westward of the Mississippi, into a region unquestionably included in the Louisiana cession, and had taken up quarters at the village of Bayou Pierre on the Red River. A force of five hundred volunteer cavalry from the territories of Orleans and Mississippi had been called out to oppose this force, but no open collision had as yet occurred. In the meantime a filibustering expedition, to operate against Spanish territory, was fitted out in the United States; but this was suppressed by prompt action of the President. In this message Mr. Jefferson called attention to the necessity of strengthening the approaches to, and fortifications about, New Orleans and the mouth of the Mississippi.

In his seventh annual message to Congress, October 27, 1807, President Jefferson describes the differences with Spain as still unsettled. Although no actual collisions between Spanish and American citizens had occurred, a feeling of disquietude existed, which was intensified by a Spanish decree, similar in tenor to the famous Berlin decree of Napoleon. On the twenty-first of November, 1806, Bonaparte, after the battle of Jena and the humiliation of Prussia, issued a decree from Berlin, declaring the coast of the British Isles in a state of blockade, and ordering the property of Englishmen to be seized wherever found; and no vessel which had touched at an English port was to be suffered to enter any port or colony of France. This decree was, then, directed against all neutral trade, and the only neutral trade worthy

of attention at that time was that carried in American bottoms. The decree of Charles IV was, apparently, based upon this of Napoleon. American merchantmen were at the mercy of Spanish cruisers, and were frequently captured and taken into Spanish ports.

In 1810 disturbances arose in West Florida, and the authority of Spain was defied by the inhabitants of that region. The people declared themselves independent and adopted a flag, and the fort at Baton Rouge was seized. In October of that year, James Madison, who had in March, 1809, succeeded to the office of President of the United States, issued a proclamation, in which he formally laid claim to the territory of West Florida from the Mississippi eastward to the river Perdido, basing his claim upon the French treaty of 1803. "A satisfactory adjustment" of the boundary dispute, he declared, had been "too long delayed," a crisis had arrived "subversive of the order of things under the Spanish authorities," and the territory was thus seized for the security of tranquillity in our adjoining territories. Soon after this movement, which was followed by some local disturbance, the Spanish governor, Folch, in a letter to the authorities of the United States, hinted at a probability of his desiring to treat for the surrender of the province, unless he should be reënforced from Havana or Vera Cruz.

Early in December, 1810, Governor Claiborne of the Territory of Orleans, in pursuance of the orders of the President, took possession of the district then in the hands and control of the insurgent inhabitants — a movement which Governor

Folch did not strenuously oppose. Claiborne did not, however, extend his jurisdiction over the entire region claimed by the United States, that is, to the Perdido River, but only to the Pearl River. But while this region so seized was organised as a part of the Orleans Territory, and a little later, by the admission of Louisiana as a State, was formally incorporated into the Union, still President Madison, in a proclamation, virtually acknowledged it still to be debatable ground, saying that it would "not cease to be a subject of fair and friendly negotiation and adjustment with Spain."

This movement drew forth from the British chargé d'affaires at Washington a protest in the form of a suggestion that it would "have been worthy of the generosity of a free nation" to have acted the part of a friend toward Spain, and "to have simply offered its assistance to crush the common enemy of both [France] rather than to have made such interference the pretext for wresting a province from a friendly power, and that at the time of her adversity."

This last reference was by no means wholly to the troubles in West Florida. The year 1810 had seen a general revolt of the Spanish colonies in America. Our nearest neighbour, Mexico, had arisen against the oppressor; Buenos Ayres and Venezuela had followed her example, as had other of her South American colonies.

A few days later a bill was introduced into Congress extending the boundaries of Orleans to the Perdido, in accordance with the steps already taken by the President. As in the case of

the annexation of the Louisiana country a few years before, the cry of unconstitutionality was instantly raised by the Federalists in Congress, and the President was violently attacked. The arguments employed in no wise differed from those so urgently presented on the former occasion. "Fate willed," writes Henry Adams,[1] following the lead of his illustrious grandfather, "that every measure connected with that territory should be imbued with the same spirit of force or fraud which tainted its title." The bill does not appear to have been pushed to an issue; but yet the true ownership of West Florida did not cease to be a subject of warm discussion. In January, 1811, was introduced in Congress a bill for the admission of Louisiana as a State in the Union. In the course of the debate upon this bill, Josiah Quincy of Massachusetts uttered his memorable remark, for which he was rebuked by the Speaker.

"If this bill passes," said Mr. Quincy, "it is my deliberate opinion that it is virtually a dissolution of this Union; that it will free the States from their moral obligation; and as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation, amicably if they can, violently if they must."

The debate was warm upon the question of the admission of West Florida to the Perdido, into the Union, as a portion of Louisiana; but the eastern boundary was at length fixed at the Iberville, and with these lines the bill was passed and signed by the President, February 20, 1811. Thus once more, although theoretically the

[1] "History of the United States," V, 321.

United States claimed the Perdido as the eastern boundary of West Florida, our government shrank from an unequivocal assertion of this claim.

In the next year, however, an act of Congress still again, in effect, asserted a claim to the sovereignty of West Florida. This act provided for its division into two parts, at the Pearl River, annexed the western portion to the new State of Louisiana, and the eastern part to Mississippi Territory. West Florida was still in a state of insurrection against Spanish rule. War with England was now impending, and it was feared that a movement for the seizure of Florida ports might be made by that power. In January, 1811, by act of Congress passed in secret session, the President was authorised to take possession of Mobile and Fernandina, and of portions of East Florida, under certain circumstances, in accordance with the suggestion of Governor Folch. Commissioners were sent to Florida to carry this act into effect, and Amelia Island at Fernandina was actually seized by the United States and a feint against St. Augustine was made; but no active movement for assuming a sovereignty over the Floridas was made.

The Seminole Indians of Florida now began to be troublesome. A small portion of this tribe were dwellers within the limits of the United States; but by far the larger part had their habitations across the line upon Spanish soil. Massacres of whites had repeatedly occurred, in some of which not only men, but women and children also, had been the victims. In November, 1812,

the legislature of Georgia resolved that the occupation of Florida, for the punishment of these outrages, was essential to the safety of the State, and passed an act to raise a volunteer military force to operate against St. Augustine. Early in the year 1813, an American force under General Andrew Jackson, raised by the federal government for the purpose of quelling the Seminole outbreak, pushed its way across the Florida line from Georgia and entered the Spanish province. Orders were issued by the War Department to General Jackson, July 14, 1814, to occupy Pensacola. The United States was now at war with Great Britain, and that power, before these orders reached General Jackson, had sent a naval force which landed at Pensacola and had begun to arm the Creek Indians, who were then unfriendly to this country. The orders to General Jackson were countermanded, but he, in the meantime, had proceeded to Pensacola, captured the town, driven out the British forces, and delivered the place to the Spanish authorities. General Wilkinson had already taken military possession of Mobile, and had begun the erection of a fort at the entrance to the bay. In August, 1814, General Jackson reached Mobile. These military movements upon the West Florida coast were for the purpose of forestalling a possible British invasion and occupation of that region. Jackson garrisoned Fort Bowyer, which Wilkinson had built at Mobile Bay. This provoked a British attack, and in defence of the fort the American gunnery established for itself a reputation which has since been successfully maintained.

In the year 1815 diplomatic relations with Spain, which had been broken off in 1808, were resumed. Immediately a letter was addressed to our government by the Spanish minister at Washington, Luis de Onis, making a triple demand. First, it was demanded that the sovereignty which had been assumed over West Florida should be withdrawn; secondly, it was complained that expeditions were fitted out at New Orleans, under Alvarez de Toledo, in aid of Mexico, which was then in revolt. Spain also requested that orders be given to the United States collectors of customs not to admit to their ports "vessels under insurrectionary flags of Carthagena, of the Mexican Congress, of Buenos Ayres, or of the other places" which were then in revolt against the authority of Spain. It was also pointed out as a grievance that Mexico had appointed one José Manuel de Herrera as minister of that country to the United States.

These causes of complaint against the United States were urged by the Spanish minister earnestly, yet in no threatening manner. Again, in January, 1816, the Chevalier de Onis called the attention of the government to the alleged fact that an expedition was in process of fitting out at New Orleans, in aid of the Mexicans, and he charged that troops from Kentucky and Tennessee, under command of American officers, were preparing to join it. The tone of this letter is more vigorous than that of the last, the writer earnestly remonstrating against these proceedings. If such occurrences continue, he declared, Spain "will have reason to suspect that,

if those meetings are not allowed by the government, they are at least tolerated."

James Madison was now President of the United States, with James Monroe as his Secretary of State. Under date of January 19 the latter replied to these letters of the Spanish minister. He called the attention of that functionary to the long-pending claims against Spain for indemnity for the seizure of American merchant vessels and their condemnation in Spanish ports; to the fact that the convention of 1802, entered into for the adjustment of these differences, had not been ratified by Spain; to the injury done to American commerce by the suppression of the right of deposit at New Orleans, granted under the treaty of 1795; and to the circumstance that the overtures of the United States for the purchase of the Spanish territory east of the Mississippi had been rejected. The United States, therefore, he argued, was left free to pursue such course as the interests of the nation might dictate. He declined to make a surrender of West Florida as a condition preliminary to the opening of negotiations for the adjustment of differences. He denied that troops composed of American citizens were assembling on American soil for the purpose of aiding the revolutionists of Mexico. In reply to the third demand, he declared it to be the policy of the United States not to make the flag of any vessel a criterion or condition of admission to the ports of the United States.

On the eleventh of March, 1816, George W. Erving was appointed minister of the United States at Madrid, and went out charged with the duty of

arranging amicably the points of difference between the two nations. He was instructed that the United States made complaint of three classes of injuries at the hands of Spain: 1, for spoliations of commerce; 2, for suppression of the deposit at New Orleans; 3, for refusing to settle the Louisiana boundary dispute on just principles. On the twenty-sixth of August, 1816, Mr. Erving began negotiations by calling the attention of Spain to these grievances, and to the added thought that the attitude of Spain had not been of the most friendly nature during the late war between the United States and Great Britain. In particular he alleged: 1, encouragement given by the Spanish authorities in East Florida to Indian tribes in Georgia, and generally on the southern frontier, to make war on the United States; 2, aid given to them in that war; 3, aid offered to Great Britain by permitting supplies to be sent through East Florida to the Indian tribes, and afterward allowing Great Britain to establish a place of arms in that province, for the purpose of encouraging and supporting the Indians in their war; 4, the attack upon the United States frigate *Essex* in Valparaiso Bay; 5, the seizure of American property and the imprisonment of American citizens under various pretexts. Pressing for a reply to these complaints, Erving was politely informed that Minister de Onis had been empowered to treat concerning all matters at issue. Meanwhile brisk negotiations were begun at Washington, by Onis, in behalf of his government. On the ninth of July, 1817, Onis called the attention of the government to the alleged fact that two privateers,

owned by Spain's revolted colonists, were lying at Baltimore, and complained that the United States marshal, although requested to arrest the commanders of these vessels, had neglected so to do. He also made complaint that an "adventurer," one Sir Gregor McGregor, a Venezuelan insurgent leader, was at Charleston, South Carolina, engaged in recruiting for the army of that revolted colony.

A change now occurred in the government at Madrid, and Cevallos was succeeded by Pizarro as principal Secretary of State. This official, ignoring the decided "snub" which his predecessor had administered to Erving, opened negotiations with the minister for an adjustment of the existing difficulties between the two nations. After an extended correspondence, in which the grievances of both countries were set forth, the Spanish secretary offered a protocol for a treaty of settlement. This included a proposition on the part of Spain to cede to the United States all its rights to the eastward of the river Mississippi, the latter in return to cede to Spain all its claims to territory to the westward of that stream. These terms were, of course, inadmissible, and so Mr. Erving promptly informed the secretary. His declination included the information that the United States claimed a sovereignty extending to the river Brazos.

In March, 1817, James Monroe was advanced from the position of Secretary of State to that of President of the United States, and he appointed John Quincy Adams to be his Secretary of State. The negotiations pending with Spain appear to

have remained in abeyance until December of that year, when they were removed to Washington. Minister Onis began a correspondence with Secretary Adams, and the old boundary dispute was reopened. This was continued at length until February, 1818, when the offer was again made by Spain to cede the Floridas in return for the cession of the territory west of the Mississippi, over which the United States claimed sovereignty. It was also offered to submit to arbitration the questions at issue. The British government—peace with that nation having been restored—tendered its good offices, but these were declined. On the twelfth of March, 1818, in an epistle of extreme length, Secretary Adams thoroughly reviewed the entire boundary dispute from an historical point of view.

While these negotiations were pending, a new cause of controversy arose. On the twenty-fifth of March, 1818, President Monroe, in a special message to Congress, laid before that body all the information in his possession regarding the war with the Seminoles, which had broken out anew. He called attention to the treaty of 1795 with Spain, by which that nation was bound to restrain the Seminoles from committing hostilities against the United States, and added, "We have seen with regret that her government has altogether failed to fulfil this obligation, nor are we aware that it has made any effort to that effect." He ascribed this failure to keep the treaty obligations to the presence of an inadequate military force in the Spanish province, and upon the ground of this failure justified the entrance of the military

forces of the United States into Spanish territory as a measure of self-defence.

Minister Onis at once addressed a letter to Secretary Adams, denying that Spain had been remiss in her duty. He enclosed a letter addressed to himself by Don José Coppinger, governor of St. Augustine, in which it was declared that the Spanish government in Florida had observed strict neutrality in that province during the progress of the war between the United States and Great Britain, and he felt that the President of the United States had been misinformed in this matter.

The trouble with the Seminole Indians continued, and finally culminated in the capture by them of a boat on the Appalachicola River. General Jackson was assigned to the command of the military forces in the South, and was ordered to move against the hostile Seminoles.

In April, 1818, in pursuance of these orders, Jackson crossed the line into Florida, East, and took possession of the Spanish fort at St. Marks. There was no loss of life, but nevertheless this was, beyond question, an act of war against Spain. Upon rumours of an Indian invasion of Alabama, and disregarding the protest of the Spanish governor of Florida, he pushed on and occupied the city of Pensacola. A few days later he captured, again without bloodshed, the Spanish fort at Barrancas.

In June the Spanish minister at Washington entered a protest against these acts, performed as they were while a treaty of cession was under discussion. He complained that the general in

command of the American forces had "made demands on the governor of that Spanish province in the most unbecoming and insulting tone," and that the American forces had "in different places violated the Spanish territory and its waters," and that they had "committed enormous vexations unexampled in history." He protested against the invasion of Florida and the taking possession of the fort and bay of St. Marks, and requested its immediate evacuation by the American forces.

On the eighth of July, Minister Onis again addressed a letter to the American Secretary of State, this time protesting against the capture of Pensacola. "The American general," he wrote, "can have neither pretext nor subterfuge, of which he can avail himself, to give the least colour for this invasion and excessive aggression, unexampled in the history of nations." Concerning the Seminoles and their relations to the Spanish authorities in Florida he wrote, "They never received either favour or protection from the Spanish authorities either within or without the territory under their jurisdiction."

Under date of July 23, 1818, Secretary Adams replied at length to this protest of the Spanish minister, showing the causes of complaint against Spain on the part of the United States. He showed that Indians in Florida had made incursions across the line into American territory, and had massacred men, women, and children. Similar aggressions had been committed by negro banditti from Florida. The governor of Pensacola had been called upon by General Jackson to prevent

these incursions, under the treaty obligations. The governor had acknowledged the obligations as binding upon the Spanish authorities, but pleaded incompetency of force. General Jackson, declared Secretary Adams, had at first been ordered not to cross the Spanish line; but in December, 1817, a detachment of forty American officers and men had been attacked, and all save six had been slain. The War Department had then given General Jackson permission to cross the line and attack the Indians, if necessary, upon Spanish soil. The capture of St. Marks and of Pensacola, the general had explained as necessary to self-defence. In March the governor of Pensacola had been warned by General Jackson that any attempt to aid the Indians, or to prevent the passage of provisions to American troops, would be regarded as acts of hostility. In defiance of this warning the governor of Pensacola, declared Secretary Adams, did give aid to the hostile Indians, and did cause delay to the passage of provisions to the American forces. The commandant of Fort St. Marks had, also, undoubtedly, given aid to the Indians. The punishment of these two Spanish officials was demanded; and the Spanish minister was informed that Pensacola would be given up to any person authorised to receive it, and that St. Marks also would be surrendered, but only to a Spanish force sufficiently strong to hold it against an attack by hostile Indians.

On the twenty-seventh day of July, 1808, Secretary Adams was again addressed by Minister Onis, who informed the secretary that two frigates had been building and were then fitting at New

York for insurgent Buenos Ayres, and that they were upon the point of sailing for a cruise against Spanish commerce; that the Spanish consul had protested to the district attorney of the United States at New York, requesting him to cause the vessels to be stopped, but that that official had refused compliance with the request. A few days later Minister Onis made formal reply to the letter of Secretary Adams, in which the latter had justified the course of General Jackson in Florida. This epistle comprised a lengthy argument in support of the Spanish contention; and on the eleventh of September the minister again addressed the Secretary of State, declining to continue the discussion further relative to the grievances of Spain in the matter of the invasion of Florida, and made formal demand upon the United States for reparation for the acts of the forces under the command of General Jackson.

The relations between Spain and the United States again appeared to be upon the point of rupture. But meanwhile negotiations had been in progress in Madrid. In June, 1818, these negotiations, which months before had been transferred to Washington, had been reopened at the Spanish capital. Pizarro had intimated to Minister Erving that Spain might perhaps be willing to cede Florida to the United States in settlement of all claims in full; the value of the public lands in the territory to be ceded, however, he claimed, was much greater than the amount of the claims of the United States. Spain would, therefore, if cession should be consummated, expect that the difference would be made up to Spain by some

concessions on the part of the United States. On the ninth of July came another suggestion from the Spanish premier, which was, in effect, a renewal of the old proposition that Florida would be ceded to the United States in exchange for a similar cession of claims of the United States west of the Mississippi.

The relations between the United States and Spain now began to grow more friendly, and on the eleventh of August, 1818, the King of Spain made the long-delayed ratification of the convention of 1802, which had for its object a reciprocal indemnity for losses, damages, and injuries which had occurred during the war closed just previous to the conclusion of the treaty. It was at this juncture that Minister Onis at Washington had notified his government of the Pensacola and St. Marks incidents, and Pizarro had notified Minister Erving that the Spanish government had instructed its minister at Washington to demand reparation. The demand of Onis had been made, therefore, in pursuance of instructions from Madrid; but this incident does not appear to have seriously disturbed the Spanish government, or essentially impeded the negotiations then pending.

In October Minister Onis addressed a lengthy letter to the Secretary of State, in which he said that "it was the earnest wish of his Catholic Majesty that the whole dispute should be adjusted by his Secretary of State, Mr. Pizarro, and Mr. Erving, the minister plenipotentiary of this Republic, and that they should proceed to a final arrangement of all existing differences by means of a definite treaty, which should combine to the

satisfaction of both governments, the inviolable principles of general justice with the equitable views of reciprocal convenience and utility." His Majesty had offered, said Mr. Onis, to do everything that might be possible or compatible with the rights of the crown, to satisfy the desires of the United States; but that Mr. Erving had declined to accede to the proposed adjustment. Mr. Onis continued in an elaborate discussion involving points of history and claiming by right of discovery certain portions of territory at the westward of the Mississippi River, included, according to the contention of the United States, within the boundaries of the Louisiana cession. He closed by submitting a series of propositions, designed as the basis of an adjustment of the difficulties so long standing between Spain and the United States. These propositions included: 1, an expression of regret on the part of the United States for the invasion of Spanish soil by the troops of the United States, and an engagement for the surrender and the restoration to Spain of Pensacola, Fort St. Marks, and other territory occupied by the American troops; 2, an agreement on the part of the King of Spain to cede to the United States East and West Florida, as they were ceded by Great Britain in 1783; 3, an agreement that the limits of the possessions of both governments west of the Mississippi should be designated by a line "beginning on the Gulf of Mexico, between the rivers Mermentau and Calcasieu, following the Arroyo Hondo, between the Adaes and Natchitoches, crossing the Rio or Red River at the thirty-second

degree of latitude and ninety-third degree of longitude from London, according to Melish's map, and thence running directly north, crossing the Arkansas, the White, and the Osage rivers, till it strikes the Missouri, and then following the middle of that river to its source, so that the territory on the right bank of said river will belong to Spain and that on the left bank to the United States." The remaining articles provided for a mutual renunciation of all claims for damages, in behalf of nation or individuals, and adjusted other similar details.

These propositions were discussed in detail by Secretary Adams, in his reply under date of October 31, 1818, some being accepted, and others rejected. He declined to accede to the first proposition, upon the ground that the invasions were justifiable, under the conditions which prevailed, and that propositions for the surrender of Pensacola and St. Marks had already been made. The proposed boundary line between Spanish and United States territory west of the Mississippi was declared to be wholly inadmissible. At this point in the negotiations a letter arrived from Minister Erving, conveying the intelligence that the King of Spain was much displeased at the invasion of Florida, and a rupture seemed inevitable. The reply of Minister Adams to this letter is a deeply interesting historical document, detailing, as it does, the causes which had led to the invasion of Florida by the forces of the United States, in pursuit of the hostile Seminoles. In blood-chilling details are related some of the incidents connected with the massacres of American citizens,

especially of women and children, by the Indians from over the Spanish border. He directed the minister to assure the King of Spain that the occupation of Pensacola and St. Marks had been "occasioned neither by a spirit of hostility to Spain, nor with a view to extort prematurely the province from her possession; that it was rendered necessary by the neglect of Spain to perform her engagements of restraining the Indians from hostilities against the United States, and by the culpable countenance, encouragement, and assistance given to those Indians, in their hostilities, by the Spanish governor and commandant at those places." He demanded of Spain the punishment of the offending officials, and a just and reasonable indemnity for the expenses incurred by the United States, by reason of the failure of Spain to keep her obligations.

This vigorous reply seems to have served to quell the Spanish contention, and the negotiations begun at Washington were continued without further interruption. At length, after a lengthy diplomatic correspondence, in which the two disputants gradually grew nearer to each other, on the sixth of February, 1819, Don Luis de Onis submitted to Secretary Adams a tentative draft of a treaty, embodying the suggestions already made. Mr. Adams, on the thirteenth of February, replied with a counter draft. In the correspondence which ensued, and in the personal interviews which followed, the points of variance were compromised and finally adjusted, and on the twenty-second day of February, 1819, a treaty of amity, settlement, and limits was

concluded between the United States and his Catholic Majesty, the King of Spain.

By this treaty the King of Spain ceded to the United States "all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida," together with "the adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings which are not private property, archives and documents which relate directly to the property and sovereignty of said provinces." The boundary line of the two countries west of the Mississippi was established at a line beginning on "the Gulf of Mexico, at the mouth of the river Sabine, continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River and running thence by a line due north to the river Arkansas; thence following the southerly bank of the Arkansas to its source in latitude forty-two north; and thence by that parallel of latitude to the South Sea" [Pacific Ocean]. This boundary line, thus established, was the first definite statement made of the boundaries of Spanish territory in North America, and remained the acknowledged boundary line as the basis of negotiations which followed, in after years, with Texas and with Mexico.

By further provisions of the treaty the territory ceded was to be incorporated into the Union of States "as soon as may be consistent with the privileges of the federal Constitution." All claims for damages, of whatever nature, were mutually renounced, including all claims of United States citizens for indemnity for unlawful seizures at sea, and for the suspension of the right of deposit at New Orleans, assumed by the United States. Such claims were to the amount of not exceeding five millions of dollars; and provision was made for the appointment of commissioners to hear and act upon such claims. For the term of twelve years it was agreed that Spanish vessels coming laden with productions of Spanish growth or manufacture, directly from the ports of Spain or of her colonies, should be admitted to the ports of Pensacola and St. Augustine upon the same terms as American vessels.

It was provided that the treaty should be ratified by both contracting parties within six months after its conclusion; and by the United States it was ratified, and unanimously, two days after its conclusion. On the part of Spain, however, there was an annoying delay. Congress, in expectation of an early ratification by Spain, passed an act authorising the President to take possession of the Floridas, and to provide a temporary government for the new territory. But the delay on the part of the King of Spain in ratifying the treaty prevented the operation of this act. In his third annual message to Congress, presented December 7, 1819, President Monroe considered this subject at great length. The treaty had been concluded

between the United States and Spain, he said, and had been ratified by the competent authorities of the former, "in full confidence that it would have been ratified by his Catholic Majesty, with equal promptitude and a like earnest desire to terminate on the conditions of that treaty the differences which had so long existed between the two countries." "The treaty was not ratified within the time stipulated," continued the President, "and it has not since been ratified." It was explained that, anxious to prevent all future disagreement with Spain by giving the most prompt effect to the treaty which had been thus concluded, and particularly by the establishment of a government in Florida which should preserve order there, the minister of the United States, who had been recently appointed to his Catholic Majesty, and to whom the ratification by his government had been committed to be exchanged for that of Spain, was instructed to transmit the latter to the Department of State as soon as obtained, by a public ship subjected to his order for the purpose. The minister, perceiving an unexpected delay in the ratification by Spain, requested to be informed of the cause, and was told in reply that "the great importance of the subject and a desire to obtain explanations on certain points, which were not specified, had produced the delay, and that an envoy would be despatched to the United States to obtain such explanations of this government." The offer of the minister to give full explanation on any desired point was declined. This would not appear to have been the true reason for the delay,

for President Monroe states that it was "alleged by the minister of Spain that this government had attempted to alter one of the principal articles of the treaty, by a declaration which the minister of the United States had been ordered to present, when he should deliver the ratification by his government in exchange for that of Spain, and of which he gave notice, explanatory of the sense in which that article was understood." "It is further alleged," continued the President, "that this government had recently tolerated or protected an expedition from the United States against the province of Texas. These two imputed acts are stated as the reasons which have induced his Catholic Majesty to withhold his ratification of the treaty."

After declaring these two allegations to have no substantial ground, and that the government of Spain "had no justifiable cause for declining to ratify the treaty," President Monroe says: —

"By this proceeding Spain has formed a relation between the two countries which will justify any measures on the part of the United States, which a strong sense of injury and a proper regard for the rights and interests of the nation may dictate. . . . From a full view of all circumstances, it is submitted to the consideration of Congress, whether it will not be proper for the United States to carry the conditions of the treaty into effect, in the same manner as if it had been ratified by Spain, claiming on their part all its advantages, and yielding to Spain those secured to her."

In this message President Monroe also inti-

mated that, in the matter of the failure of Spain to ratify the Florida treaty, the United States had the sympathy of Great Britain, of France, and of Russia. On the twenty-seventh of the ensuing March (1820) the President sent a special message to Congress, transmitting an extract from a letter from our minister plenipotentiary at St. Petersburg, indicating the sentiments of the Emperor of Russia respecting the non-ratification of the treaty of Spain, and the strong interest which his Imperial Majesty took in promoting its ratification. The governments of France and Great Britain were said also to continue their sentiments of sympathy for the United States, already expressed. It was added that the governments of France and Russia had "expressed an earnest desire that the United States would take no steps for the present on the principle of reprisal, which might possibly tend to disturb the peace between the United States and Spain." The President, therefore, suggested the postponement of a decision upon the questions depending with Spain, until the next session of Congress.

The status of Florida, at this time, was equivocal. The treaty of cession had not been ratified by the King of Spain, but yet it appears that our military forces still held possession of Amelia Island, St. Marks, and Pensacola. Vessels had been entered and cleared at Pensacola, although it was not yet formally established as a port of the United States. The President had at first, as already seen, suggested the seizure of Florida, without waiting for the formal consummation of

the cession; but the expression by Russia and France, of the hope that the United States would take no steps on the principle of reprisals, was the inspiration, doubtless, of the afterthought of the President, as expressed in his subsequent message. His recommendation that the consideration of the matter should be deferred until the next session of Congress was made, despite the recommendation of the Committee on Foreign Affairs that a seizure of Florida should be made.

Meanwhile, the Seminole War was still in progress. The population of the territory at that period comprised about three thousand Spaniards and an unknown number of Indians. Spanish possession and control was exceedingly limited, and the jurisdiction of Spain over the greater portion of the territory was merely nominal. The real possession and control was Indian. General Jackson had entered Pensacola in June, 1818, his act giving rise to a prolonged debate in Congress upon the question of its constitutionality. The attitude of the administration in this matter was shown forth in the President's special message of March 25, and the next day, in response to a resolution of the House, adopted a few days previous, he sent a second message, transmitting such information as was in his possession concerning the occupation of Amelia Island.

The course adopted by the administration was strenuously opposed by one party in Congress, although pursued in the defence of American territory and people from incursions of hostile Indians, for the purpose of rapine and murder. "We are fighting a great moral battle for the

benefit not only of our country, but of all mankind," exclaimed Henry Clay, the Whig leader, on the floor of the House of Representatives, on the twentieth of January, 1819. "The eyes of the whole world are in fixed attention upon us. One, and the largest portion of it, is gazing with contempt, with jealousy, and with envy; the other portion with hope, with confidence, and with affection. Everywhere the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the west to brighten and animate and gladden the human heart. Obscure that by the downfall of liberty here, and all mankind are enshrouded in one universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting unimpaired to our country the fair character and the liberty of our country. Do you expect to execute this high trust by trampling, or suffering to be trampled down, law, justice, the Constitution and the rights of other people, by exhibiting examples of inhumanity and cruelty and ambition? When the minions of despotism heard in Europe of the seizure of Pensacola, how did they chuckle and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandisement made by our country in the midst of amicable negotiation. 'Behold,' say they, 'the conduct of those who are constantly reproaching kings.' You saw how those admirers were astounded and hung their heads. You saw, too, when that illustrious man, who presides over us, adopted his pacific, moderate, and just course, how they once more lifted up

their heads with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character! Beware how you give a fatal sanction, in this infant period of our Republic, scarcely two-score years old, to military insubordination! Remember that Greece had her Alexander, Rome had her Cæsar, England her Cromwell, France her Bonaparte, and that, if we would escape the rock on which they split, we must avoid their errors."

After a long delay, in the spring of 1820, the long-heralded emissary of the Spanish King arrived in this country; but with him came no ratification of the Florida treaty. Instead, his object seemed to be "to make complaints and to demand explanations respecting an imputed system of hostility on the part of citizens of the United States against the subjects and dominions of Spain, and an unfriendly policy in their government, and to obtain new stipulations against these alleged injuries, as the condition on which the treaty should be ratified." These facts were communicated to Congress in another special message, bearing date of May 9, 1820. In this communication the charges of Spain were declared to be without foundation. A stipulation made by the Spanish King, as a condition of the ratification of the treaty, that the United States should abandon the right to recognise the colonies in South America, then in revolt against Spain, was declared to be wholly inadmissible.

At this juncture occurred the revolt against the authority of Ferdinand VII, of Riego and Quiroga, who raised their standard at Cadiz. The result of this popular uprising was the yielding of the King to the popular will and the restoration of the Spanish constitution of 1812. This bloodless revolution had occurred after the departure of the King's emissary from Madrid, and tidings of the status of affairs at home having reached him, that official did not feel at liberty to take any steps looking toward an adjustment of the points of difference between the two nations. President Monroe, therefore, suggested that "great hope is entertained that this change will promote the happiness of the Spanish nation," and that, at this crisis, the United States would not be justified in taking any steps which would disturb the harmony between the two countries.

In the meantime it had become apparent that a certain faction in Congress had been by no means satisfied with all of the provisions of the Florida treaty. It will be remembered that, before the final adjustment of the preliminaries to the treaty had been concluded, the claim of the United States had been for a western boundary of Louisiana at the river Brazos. The final establishment of this boundary at the Sabine had been in the nature of a compromise. There were many who felt a dissatisfaction at this compromise, and who insisted that the United States, by this treaty, had engaged to part with a large tract of valuable territory, which was the rightful property of this country. A feeling arose in the House of Representatives that, in concluding the treaty

upon these terms, the Senate had arrogated to itself alone powers and rights which rightfully belonged to Congress. These resolutions were presented in the House of Representatives and gave rise to a warm and extended debate: —

Resolved, That the Constitution of the United States vests in Congress the power to dispose of the territory belonging to them, and that no treaty purporting to alienate any portion thereof is valid without the concurrence of Congress.

Resolved, That the equivalent proposed to be given by Spain to the United States, in the treaty concluded between them on the twenty-second day of February, 1819, for the part of Louisiana lying west of the Sabine, was inadequate, and that it would be inexpedient to make a transfer thereof to any foreign power, or renew the aforesaid treaty.

These resolutions were presented by Henry Clay, and their passage was advocated by him in an extended speech. The word "renew," as employed in the second of these resolutions, would indicate that the treaty was regarded as having lapsed, by reason of the failure on the part of Ferdinand to ratify the instrument before the expiration of the six months of time prescribed for that action.

"We want Florida," said Mr. Clay, in his place on the floor of the House, "or rather we shall want it, or to speak yet more correctly, we want nobody else to have it. It fills a space in our imagination, and we wish it to complete the arrondissement of our territory. It must certainly come to us. The ripened fruit will not more surely fall. Florida is enclosed in between Ala-

bama and Georgia and cannot escape. Texas may. Whether we get Florida now, or some five or ten years hence, is of no consequence, provided no other power gets it; and if any other power should attempt to take it, an existing act of Congress authorises the President to prevent it. I am not disposed to disparage Florida, but its intrinsic value is incomparably less than that of Texas. Almost its sole value is military. The possession of it will undoubtedly communicate some additional security to Louisiana and to the American commerce in the Gulf of Mexico. But it is not very essential to have it for the protection of Georgia and Alabama. There could be no attack upon either of them by a foreign power on the side of Florida. It now covers those States. Annexed to the United States, we should have to extend our line of defence so as to embrace Florida. Far from being, therefore, a source of immediate profit, it would be the occasion of considerable immediate expense. The acquisition of it was certainly a fair object of our policy, and ought never to be lost sight of. It was even a laudable ambition in any chief magistrate to endeavour to illustrate the epoch of his administration by such an acquisition. It is less necessary, however, to feel the measure of the honours of the present chief magistrate [Monroe] than that of any other man, in consequence of the large share which he had in obtaining all Louisiana. But whoever may deserve the renown which may attend the incorporation of Florida into our Confederacy, it is our business, as the representatives of the people who are to

pay the price of it, to take care, as far as we constitutionally can, that too much is not given. I would not give Texas for Florida in a naked exchange. We are bound by the treaty to give not merely Texas, but five millions of dollars also, and the excess beyond that sum of all our claims upon Spain, which have been variously estimated at from fifteen to twenty millions of dollars."

The discussion occasioned by the failure of the Spanish King to ratify the treaty was brought to an end by the action of his Catholic Majesty on the twenty-ninth of October, 1820. On that day the long-delayed ratification of the treaty was made, the document which he then signed containing this clause: —

"That the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the sixteenth article, may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period."

It is not a little remarkable, and a source of wonder to us who live in the days of submarine telegraphic cables, telegraphic lines, swift steamships, and other means for the rapid transmission of intelligence, that the news of the ratification of the Florida treaty by the Spanish King and Cortes was not received at Washington until four months after its consummation. On the fourteenth day of November, 1821, nearly a month after this event, President Monroe, in his fourth annual message, informed Congress

that "respecting our relations with Spain nothing explicit can now be communicated." That the subject of the ratification of the treaty was then pending before the Spanish Cortes, he fully believed, and promised that the result of the deliberations of that body, which was daily expected, should be promptly communicated to Congress.

On the thirteenth day of February, 1821, almost exactly two years after the signing of the treaty, President Monroe, in a special message to the Senate, notified that body that the ratification by the Spanish government of the treaty of amity, settlement, and limits between the United States and that power had been received, and submitted a copy and translation of the act of ratification for their consideration. Six days later, on the nineteenth day of February, 1821, the treaty was again ratified, with but four dissenting votes, and Florida at last had become a portion of the territory of the United States. The second anniversary of the signing of the treaty of session, by the accredited representatives of the two governments, was signalised by the issue of a proclamation by President Monroe, announcing his ratification and confirmation of the treaty.

Three days after the ratification of the treaty by the Senate the ratifications were exchanged. Secretary of State John Quincy Adams acting in behalf of the United States, and General Don Francisco Dionisio Vives, envoy extraordinary and minister plenipotentiary for Spain, in behalf of that nation. On the same day President

Monroe made his proclamation of the conclusion and ratification of the convention.

Almost immediately Congress made provision for the organisation of a temporary government for the newly acquired territory. On the third day of March, 1821, the President was authorised to provide such a government; and seven days later he appointed Major-general Andrew Jackson governor of Florida, vesting in him all the powers and duties which had been exercised by the Spanish governor.

The formal delivery of the territory by Spain to the United States now remained to be accomplished. For this purpose Colonel Robert Butler was appointed a commissioner in behalf of the United States, and Don José Coppinger in behalf of Spain. These commissioners were to effect the formal transfer of the territory of East Florida. For the transfer of West Florida General Jackson was the American, and José Callava the Spanish commissioner. On the tenth day of July, 1821, the flag of Spain was lowered from its place above the ancient coquina-built fort at St. Augustine, and in its place was raised the American ensign. At Pensacola, on the seventeenth day of July, a similar ceremony was performed, and thus Spanish rule in Florida, which had continued for more than three hundred years, was replaced by the rule of the new Republic of the West. American transports were provided for the conveyance of the Spanish military and civil officers and troops stationed in the province to Havana, and the peninsula was forever freed from Spanish domination. Eight

years before Mexico had declared its independence of Spain; the vast region of Louisiana had passed from her control, and was now American soil; its colonies in South America were in revolt against her rule; and the grasp of this once mighty nation upon the western hemisphere was rapidly loosening. In Florida alone, of all the mighty sweep of territory once under Spanish domination, had the sway of that nation not been openly disputed; and now in this ancient province had the rule of Spain ceased. Her resistance to the clamour of her colonies was but feeble, and soon, in the Antilles alone was found the sole remnant of the rule of this once powerful nation in the western hemisphere. The closing years of the century were to see its extinguishment there also.

The transfer of the sovereignty of Florida was not accomplished without friction, and the new military governor, General Jackson, was not suffered to assume his authority without serious conflict with the Spanish officials, who were slow to furnish documents and papers required. This would appear to be a peculiarity of Spanish character; for the reader has not forgotten how that the Spanish military forces and officials remained at New Orleans, causing much trouble and vexation, for a long time after the transfer of the sovereignty of the Louisiana territory had been effected.

Although the sovereignty of the Floridas had been transferred to the United States, and an American military governor had been appointed, the laws of Spain, as applied to this territory,

still remained in force. This anomalous condition of affairs was remedied by the passage of an act by Congress, March 30, 1822, providing a civil government for Florida. Under this act William P. Duval was appointed the first civil governor.

The treaty of cession had provided for a formal survey of the line agreed upon, as marking the eastern and northern limits of Spanish dominion in North America; but the condition of war then existing between Spain and her colony of Mexico prevented the consummation of these details. After the accomplishment of the independence of Mexico, and the establishment of a government therein, by a treaty concluded January 12, 1828, the boundary lines as established by the Florida treaty were adopted and confirmed.

Five million dollars in bonds, delivered to Spain, was the price paid by the United States for the Floridas. The interest on these bonds to the time of redemption increased the cost of the territory in the sum of $1,489,768, making a total cost of $6,489,768.

CHAPTER IV

THE ANNEXATION OF TEXAS

It will be remembered that opposition was made to the final ratification of the Florida treaty by the great Whig leader and his followers, largely upon the ground that, according to their contention, the western boundary of Louisiana should have been fixed by the terms of the treaty, not at the Sabine, but at the Brazos, the Nueces, or, perhaps, even at the Rio Grande. The ground upon which this claim was made is found in the historical fact of the discovery of the Texas region by La Salle, in the year 1682, and its colonisation by the French, three years later, at Matagorda Bay. This claim France never relinquished to Spain, although in 1691 a Spanish governor had been appointed over this region. With the purchase of the Louisiana territory, with its purposely indefinite boundaries, the United States considered itself as having purchased likewise the claims of France to this region. Hence the persistent clamour of Clay and his followers for the assertion of an American sovereignty in Texas.

Mexico, after a protracted struggle, had succeeded in gaining her independence of Spanish rule. This had been granted by the treaty of

Cordova, signed February 24, 1821. On the twelfth of January, 1828, by a treaty concluded at the City of Mexico between the United States and Mexico, was confirmed the renunciation, on the part of the former, of these vague French claims which had been inherited, which renunciation had been made by the terms of the Florida treaty. In the meantime the Mexican provinces of Coahuila and Texas had been erected into a state by the Mexican government. A congress of this State was called at Saltillo, in 1827, at which a constitution was framed. This was proclaimed in March of that year.

The eyes of a certain portion of the people of the United States now began to be turned toward Texas. African slavery was rapidly becoming an important issue, and sentiment upon the subject was so crystallising itself as to threaten a serious contention between the Northern and Southern States of the Union. The far-seeing statesmen of the South realised that the indefinite continuance of the institution of slavery depended, in great degree, upon the amount of available territory which might be erected into future slave States. The Missouri Compromise of 1821, which had been adopted while yet the Spanish King was delaying the consummation of the Florida cession, had forbidden the extension of slavery north of the parallel of 36° 30′. A vast region to the northwest remained under territorial government, into which region slavery could not penetrate. By the terms of the compromise Maine was admitted to the Union as a free, and Missouri as a slave, State; but the

advocates of the "peculiar institution" had no difficulty in discerning the future. They saw that little territory remained from which slave States could be carved. This will account for Henry Clay's serious concern, and his vigorous attempt to defeat the ratification of the Florida treaty, the terms of which fixed the eastern boundary of Spanish domination in the southwest at the Sabine. He and his followers desired that the United States should continue to contend for a boundary at the Brazos, or even, perhaps, at the Nueces, or the Rio Grande, in order that the vast territory of Texas might be available for erection into slave States, to offset the free States, which should be carved from the Michigan Territory. This attempt of Clay and his followers failed, as we have already seen; but thenceforward the members of the Whig party, and, later, of the Democratic party, in Congress and in the country, were earnest advocates of territorial expansion toward the southwest, and Texas was the object of their desires.

The claim of the United States to the territory of Texas having been renounced by the terms of the Florida treaty, resort must be had to some other method of absorption. Scarcely had the constitution of Texas been adopted at Saltillo when Henry Clay, then Secretary of State in the administration of John Quincy Adams, instructed the American minister at Mexico, Hon. J. R. Poinsett, to offer to Mexico the sum of $1,000,000 for the cession of Texas to the United States. For some reason this offer does not appear to have been made; but two years later, in 1829, —

Andrew Jackson being then President of the United States, — instructions were given by Secretary of State Van Buren to the American minister to Mexico, to make a tender of four or five millions of dollars for a cession of the territory of Texas between the Sabine and the Nueces rivers. This offer was declined.

Manifestly now the only practical method for the absorption of Texas was through colonisation. For some years Americans had been crossing the border and taking up their residence in Texas. The population was increasing, and the territory was rapidly becoming Americanised. The sentiment for annexation was growing stronger upon both sides the Sabine.

On the seventeenth of October, 1835, at San Filipe de Austin, another constitution for Texas was adopted, and independence of Mexican rule was declared. A provisional government was formed, with Henry Smith as governor.

Santa Anna, the Mexican president in name, a dictator in truth, at once called to arms, and a conflict ensued. The name of Sam Houston, the leader of the Texans in their revolutionary contest, is historic; and the name of Santa Anna will be held in detestation so long as is remembered the massacre of the Alamo. The war was waged with much vigour, and, upon the part of the Mexicans, with shocking inhumanity. On the second day of March, 1836, a second declaration of Texan independence was made, and on the sixteenth a constitution of the Republic of Texas was adopted. This instrument provided for the election of a president, a legislature of two chambers, and a

judiciary. The common law of England was recognised as the basis of the jurisprudence of the new nation. Slavery was established, and the manumission of slaves, by their owners, without the consent of Congress, was forbidden. Free negroes were forbidden the country. Religious toleration was established, as were also the jury system and the writ of *habeas corpus*. Imprisonment for debt, titles of nobility and monopolies were forbidden. Under this constitution David G. Burnett was elected president of the new republic.

On the sixth of March had occurred the massacre of the Alamo, but the news of the horror did not reach the ears of the Texan army and government until the eleventh. On the sixteenth, as already seen, the constitution of the Republic was adopted. The massacre of the Alamo was soon followed by that of Goliad; and then came the decisive blow at San Jacinto, the rout of the Mexican army, and the capture of Santa Anna himself. It was on the twenty-first of April that Santa Anna thus received his Waterloo; and on May 14, at Velasco, was signed the treaty which established the independence of Texas. The treaty was, in reality, in two parts: that portion which was concerned with the cessation of hostilities, the exchange of prisoners, and the agreement for indemnities was at once made public; that which formally acknowledged the independence of Texas was made a secret convention, at the suggestion of Santa Anna, who professed to fear that, were it made public, it might be repudiated by the Mexican government before he should reach home.

The presentation in Congress of the question of the recognition of the Republic of Texas, as an independent power, was the beginning of a long-continued political agitation. This, following the passage of the Missouri Compromise, may be regarded as the second important episode in the great slavery controversy, which was destined, in later years, to culminate in a desperate clash of arms.

President Burnett, almost immediately after his assumption of his office, issued an appeal to the people of the United States, claiming their sympathy and support for the new republic. Now began to pour in upon Congress petitions and memorials, chiefly from the slaveholding States, praying for the recognition by our government of the independence of Texas. The secret portion of the treaty of Velasco was not yet made public. Certain citizens of the cities of Cincinnati and Philadelphia were among these memorialists; and the legislature of Connecticut, in which existed a strong pro-slavery sentiment, by resolution joined in the prayer. The presentation of these petitions in the Senate of the United States was made the occasion for an extended debate of considerable warmth. Daniel Webster spoke earnestly, expressing the warmest sympathy with the Texans in their struggle for independence, but deprecating the taking of any course which might disturb the amicable relations then existing between the United States and the Republic of Mexico. He thought that the time was not yet ripe for taking any step beyond the preservation of our neutrality in the contest. He deprecated the employment of

any language in debate which might reflect upon the head of the Mexican Republic.

Senator Walker of Mississippi declared, in debate on the floor of the Senate, that he had positive information that General Santa Anna had said in conversation with the British and French ministers to his government that he intended to drive the Texans across the Red River, and if they were defended there by the troops of the United States he would drive them to Washington; and to the British minister he had said, "Yes, I will drive them to Washington, and strip the laurels from General Jackson and burn the Capitol as your countrymen once did." — "Are we to sit here," exclaimed Senator Miller, in evident allusion to the deprecatory remarks of Mr. Webster, "and listen to apologies and excuses for the atrocities of Santa Anna? Are we to be told by American senators in the American Senate that we must repress our feelings, as well as to have respect to our neutrality; that we are not to express those feelings of indignation which must arise in every American bosom? Who is Santa Anna? He is the government of Mexico. He has planted a despotism in that country; has erected a central government and destroyed every vestige of freedom. We have heard of rebels; who are the rebels? They are Santa Anna and his priests and mercenaries and myrmidons. They are the rebels. The people of Texas clung to the government of Mexico as long as they possibly could do so; as long as a wreck of the constitution was discernible, or a floating plank, they did their utmost to save it from destruction. It was not

until the flag of the constitution was struck, and there was no longer a hope, that they raised the flag of independence."

Senator Porter of Louisiana feared the effect upon his State should Mexico be provoked to war by reason of utterances in Congress. "Santa Anna is perhaps a despot," he said, "but is no worse than the grand seignior of Constantinople and others with whom we are on friendly terms." The debate, which was prolonged and somewhat heated, was brought to a close by Mr. Webster, who, while disclaiming any intent of apologising for Santa Anna, expressed again the hope that senators would not indulge in the expression of offensive epithets in reference to the President of Mexico until they knew something certainly in regard to his conduct which would warrant such language.

The various petitions for the recognition of the independence of Texas were referred to the Senate committee on foreign affairs. On the twentieth of June, 1836, this committee made its report through Henry Clay. This report, after reciting the opinions of the committee upon the right of one independent power to recognise the existence of a new power, thus continued: —

"The government of the United States has taken no part in the contest which has unhappily existed between Texas and Mexico. It has avowed its intention and taken measures to maintain a strict neutrality toward the belligerents. If individual citizens of the United States, impelled by sympathy for those who were believed to be struggling for liberty and independence against

opposition and tyranny, have engaged in this contest, it has been without the authority of their government. On the contrary, the laws which have been hitherto found necessary or expedient to prevent citizens of the United States from taking part in foreign wars, have been directed to be enforced. Sentiments of sympathy and devotion to civil liberty, which have always animated the people of the United States, have prompted the adoption of the resolutions and other manifestations of popular feeling which have been referred to the committee, recommending an acknowledgment of the independence of Texas. The committee shares fully in all these sentiments; but a wise and prudent government should not act solely on the impulse of feeling, however natural and laudable it may be. It ought to avoid all precipitation, and not adopt so grave a measure as that of recognising the independence of a new power until it has satisfactory information and has fully deliberated.

"The committee has no information respecting the recent movements in Texas, except such as is derived from the public prints. According to that, the war broke out in Texas last autumn. Its professed object, like that of our revolutionary contest in the commencement, was not separation and independence, but a redress of grievances. In March last independence was proclaimed and a constitution and form of government were established. No means of ascertaining accurately the exact amount of the population of Texas are at the command of the committee. It has been estimated at some sixty or seventy thousand

souls. Nor are the precise limits of the country which passes under the domination of Texas known to the committee. They are probably not clearly defined, but they are supposed to be extensive and sufficiently large, when peopled, to form a respectable power.

"If the population is small, if, when compared with that of the United Mexican States, amounting, probably, to not less than eight million souls, the contest has been unequal, it has, nevertheless, been maintained by Texas with uncommon resolution, undaunted valour, and eminent success; and the recent signal and splendid victory, in which that portion of the Mexican army which was commanded by General Santa Anna, the president of the Mexican government, in person, was entirely overthrown, with unexampled slaughter compared with the inconsiderable loss on the other side, put to flight and captured, including among the prisoners the president himself and his staff, may be considered as decisive of the independence of Texas and the settlement of its boundaries. And, under all circumstances, it might, perhaps, be more conformable with the amicable relations subsisting between the United States and the United Mexican States that the latter should precede the former in the acknowledgment of the independence of Texas. But if the war should be protracted, or if there should be unreasonable delay on the part of the Mexican government, the government of the United States ought not to await its action."

The report, after discussing the various modes by which the recognition of Texas as an indepen-

dent power might be made, concluded by submitting to the Senate this resolution, which was unanimously adopted: —

Resolved, That the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information shall be received that it has in successful operation a civil government, capable of performing the duties and fulfilling the obligations of an independent Power.

In secret session of the Senate, on the eighteenth of June, the President had been requested by resolution to transmit to that body any information in the possession of the executive — if not inconsistent with public interest — touching the political condition of Texas, the organisation of its government, and its capacity to maintain its independence. On the twenty-third of June President Jackson replied to this request in a special message, transmitting such correspondence as had passed between the government of the United States and that of Texas.

The resolution presented by Mr. Clay was adopted with unanimity, the members of both political parties recognising the fact that by it the Congress of the United States was committed to no immediate action, in the matter of the acknowledgment of the Republic of Texas as an independent power.

On the twenty-first of December, 1836, in a second special message to Congress, President Jackson transmitted some additional information concerning the political, military, and civil condition of Texas, drawn from the report of an agent especially appointed to collect it. This agent was

Henry M. Morfit. In this message the President informed Congress that no steps had yet been taken by the executive toward the acknowledgment of the independence of Texas, and that the whole subject would have been left without further remark had not the resolution just quoted been passed by Congress.

"The acknowledgment of a new State as independent," wrote President Jackson, "and entitled to a place in the family of nations, is at all times an act of great delicacy and responsibility; but more especially so when such State has forcibly separated itself from another, of which it had formed an integral part, and which still claims dominion over it. A premature recognition, under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the Old or the New World, have been treated by the United States as questions of fact only; and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession, to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France, out of the disputes relating to the crowns of Portugal and Spain, out of the revolutionary movements in those kingdoms, out of the separation of the American possessions of both from the European governments, and out of the numerous and constantly recurring struggles for dominion

in Spanish America, so wisely consistent with our just principles has been the action of our government, that we have under the more critical circumstances avoided all censure and encountered no other evil than that produced by a transient estrangement of good-will in those against whom we have been, by force of evidence, compelled to decide."

After conceding, if not the constitutional necessity, at all events the propriety, of leaving to Congress the decision in the question of the acknowledgment of the independence of a new power, the President continued: —

"In the contest between Spain and her revolted colonies we stood aloof, and waited not only until the ability of the new States to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not till then, were they recognised. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct governments of those Spanish-American States who began or carried on the contest with the parent country, united under one form of government. We acknowledged the separate independence of New Granada, of Venezuela, and of Ecuador, only after their independent existence was no longer a subject of dispute, or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, and the chief of the Republic himself captured, and all

present power to control the newly organised government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican Republic, under another executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion. Upon the issue of this threatened invasion the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries which require us to act, on this occasion, with even more than our wonted caution. Texas was once claimed as part of our property, and there are those among our citizens who, always reluctant to abandon that claim, cannot but regard with solicitude the prospect of the reunion of the territory to this country. A large proportion of its civilised inhabitants are emigrants from the United States, speak the same language with ourselves, cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and, more than all, it is known that the people of that country have instituted the same form of government with our own, and have since the close of your last session openly resolved, on the acknowledgment by us of their

independence, to seek admission into the Union as one of the federal States. This last circumstance is a matter of peculiar delicacy and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbours to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognise the independence of the new government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it we are but carrying out the long-established policy of our government — a policy which has secured to us respect and influence abroad and inspired confidence at home."

Thus cautiously, and with an apparent resolve to give no cause of offence to Mexico, did the government of the United States move in the matter of the recognition of the independence of Texas. There was a general feeling, however,

throughout the North, and especially among the strong and rapidly increasing anti-slavery element, that the President, in these utterances, was not wholly ingenuous. It was undoubtedly true that a large proportion of the inhabitants of Texas were emigrants from the Southern States of the United States. The rank and file of the army was chiefly composed of this element. Its leader was a former governor of Tennessee. Recruiting for the Texan army was openly conducted in New Orleans, and the recruits were sent over the border without rebuke by the administration. More than this, it was undeniable that the revolt of the Mexican province of Texas had its inception in the action of the Mexican Republic in abolishing slavery.

A few days after the reception by Congress of the message just quoted, President Jackson, in response to a resolution of the Senate, transmitted to that body a copy and translation of a remarkable letter received a few months before from General Santa Anna, the president of the Mexican Republic. The letter was written at Columbia, Texas, and was dated July 4, 1836. Addressing the President of the United States, Santa Anna related that he had come to Texas, at the head of six thousand Mexicans, "in fulfilment of the duties which patriotism and honour impose upon a public man"; that he had been taken prisoner; that conventions had been agreed upon, and that orders had been issued by him to his second in command to retire with his army beyond the Bravo del Norte. The writer had then set off for Mexico, but "some indiscreet

persons" raising a mob, he had been recaptured and brought back into captivity. Under another leader, therefore, the Mexican army, he declared, is again advancing into Texas. The Mexican president, in view of these occurrences, besought the intervention of the United States in favour of the execution of the convention agreed upon.

This letter was two months upon its passage to the hand of President Jackson, and acknowledgment and reply was made September 4. In this reply the President, while expressing a desire to do all possible for the promotion of peace, so far as it might be consistent with the American policy, explained that the Mexican government, through its minister at Washington, had notified the United States that, so long as Santa Anna should remain a prisoner, no act of his would be regarded as binding upon the Mexican government. President Jackson, therefore, desiring to maintain good faith toward Mexico, was obliged to decline to take the step urged upon him by Santa Anna.

In the meantime a force of United States troops under General Gaines had been posted on the Texan frontier and within the borders of that province. This commander was evidently in close connection with General Houston, the commander of the Texan troops; for President Jackson, in his reply to Santa Anna, acknowledges the receipt of the letter of that personage, "forwarded by General Sam Houston, under cover of one from him, transmitted by an express from General Gaines, who is in command of the United States forces on the Texan frontier." The

ostensible object of thus posting a United States force in close proximity to the seat of armed disturbance in Texas was said to have been to prevent the invasion of the United States by Texas Indians. It is evident, however, that Mexico regarded this as a mere pretext, both from the heated words of Santa Anna quoted above, and from the ardent protest uttered by the Mexican minister at Washington. That enlistments of recruits for the Texan army were openly made at New Orleans was an added cause for complaint on the part of Mexico, and it was the two causes combined, doubtless, which led the Mexican minister, at this juncture, to demand his passports, and to retire from his post at Washington in high indignation.

The relations between the United States and Mexico at this time, despite the apparent cautious manner of the President in his State papers, were severely strained, and the dark cloud of war was apparent on the distant horizon. On the sixth of February, 1837, the President, in a vigorous special message to Congress, called attention to certain alleged spoliation claims of our citizens against Mexico, to which he had made brief allusion in his eighth annual message, and which remained unadjusted. "The length of time since some of the injuries have been committed," said President Jackson, "the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this government and people by the late extraordi-

nary Mexican minister, would justify in the eyes of all nations immediate war." This, however, the President did not advise, but he did recommend the passage of an act authorising reprisals, and the use of the naval force of the United States by the executive against Mexico to enforce them, in the event of a refusal by the Mexican government to come to an amicable adjustment of the matters in controversy. In the meantime the United States forces on the frontier had been withdrawn. At this distance of time it would appear that President Jackson, while anxious to place himself on record in his State papers as proceeding with the utmost caution, was unwilling to act, in the matter of Texan independence, in any manner varying from our traditional attitude in foreign affairs, was willing to withdraw the troops from the Texan frontier and so seem to avoid even the appearance of inconsistency in his attitude toward Mexico, was yet unwilling that that nation should wholly forget that the United States had claims still unsettled against that government, and that the ability to settle them at the cannon's mouth rested in us, if Mexico should much longer neglect to settle them in an amicable manner.

The element in Congress which sympathised with the Texan movement now began to assume a more aggressive attitude. On the twenty-first of February, 1837, the committee on foreign affairs of the House of Representatives reported this resolution: —

Resolved, That the independence of the government of Texas ought to be recognised.

Resolved, That the committee of ways and means be directed to provide, in the bill, for the civil and diplomatic expenses of the government, a salary and outfit for such public agent as the President may determine to send to Texas.

The resolutions were briefly debated and action deferred. Objection to them was urged by John Quincy Adams and Samuel Hoar of Massachusetts, but the advocates of the measure said but little. The reason is obvious. A few days later, the civil and diplomatic appropriation bill being under discussion, a representative from South Carolina introduced an amendment to provide for a "salary and outfit for a diplomatic agent to be sent to the independent government of Texas, and for the expenses of running a boundary line between the United States and the independent government of Texas."

This amendment provoked a long-continued and vigorous debate, the political lines being rigidly drawn between the northern and southern representatives. "We are called upon," exclaimed Mr. Mason of Ohio, "not only by the amendment under consideration, but by the newspaper press in different parts of the Union, to yield a speedy recognition of the independence of Texas. For what purpose is the prompt acknowledgment of her government demanded? Not certainly because she desires to enjoy that independence, the recognition of which she solicits; not that she desires to possess the rank, privileges, and immunities that belong to a free and sovereign member of the great family of nations. No; her object, distinctly avowed, is far more humble and befitting

her feeble condition. It is that she may make a surrender of her independence, government, territory, and all to the United States on condition of annexation and reception into the Union!"

Mr. Hoar of Massachusetts opposed the amendment in equally vigorous terms. He urged the small number of inhabitants in the Texas province, the weakness of its army and navy, the probability of an attempt to restore Mexican authority in Texas. He argued that representatives should not be led away by their feelings in the discussion of a matter of such great importance; and he showed that the Texan army was composed almost wholly of Americans, a circumstance which should be considered in this discussion.

Mr. Bynum of North Carolina, on the other hand, a representative of a slave-holding State, earnestly favoured the proposed action as "in strict conformity with nearly every precedent set by this government, from the administration of the great Father of his country's liberties down to the present day."

The amendment, in the form first presented, did not meet a successful issue. The next day, however, the representative from South Carolina renewed it in another form, which movement precipitated another heated debate. Mr. Adams spoke briefly, urging that the recognition of a foreign power was an executive function. Mr. Hoar spoke at great length and with much earnestness and power. "What a spectacle would be exhibited to the world," said he, "if we should acknowledge Texas as an independent nation, which derives all its claim to independence and

almost even to existence, from ourselves — whose battles are fought by us, whose ships are supplied by us, and who derive all its means and resources from us! It would be rather acknowledging ourselves as independent masters of a country which yet we recognise by treaty as appertaining to Mexico. With respect to annexation, I can only speak for myself. I know not what is the opinion of the North, but I sincerely hope and firmly believe that the North will have but one unanimous opinion in opposition to any such annexation, whenever it shall be contemplated. I hope we shall never annex another foot to the territory of the United States, whether to slave States or not. We already have sufficient territory, and if there is anything to regret in regard to the matter, it is that we already have too much."

It was on the twenty-eighth day of February, 1837, that this amendment, virtually directing the President to acknowledge the independence of Texas, was finally adopted. Four days later the term of office of President Jackson was to close. The day previous to this event, on the third of March, 1837, the President sent to the Senate the nomination of Alcée la Branche of Louisiana to be chargé d'affaires to the Republic of Texas.

On the next day the affairs of the nation passed to the charge of President Martin Van Buren. He had been the Secretary of State during the first administration of President Jackson. In June, 1831, he resigned this office to accept an appointment as minister to England; but the Senate, by the casting vote of Vice-President John C. Calhoun, refused confirmation. A year

later than this occurrence he was elected Vice-President of the United States, and thus became the presiding officer of the body which had rejected his nomination to the English mission. He had now reached the chief executive office. He had been a warm supporter of Jackson and his policy, and there was no reason to believe that his own would not be drawn upon similar lines.

On the fourth day of September, 1837, President Van Buren issued a call for a special session of Congress, rendered necessary to consider the financial crisis which was imminent. The prediction of Mr. Hoar had proved true, for it was openly reported that the legislature of Texas, almost immediately after the recognition of its independence by the United States, had initiated action looking toward an application to be annexed and admitted to the federal Union. On the thirteenth of September Mr. Adams introduced into the House of Representatives two resolutions. The first of these called upon the President for all correspondence between the United States and Mexico concerning a boundary line, and particularly concerning any proposition for a cession of any territory belonging to the Mexican confederation, to the United States. The second called upon the President to state "whether any proposition has been made on the part of the Republic of Texas to the government of the United States for the annexation of the said Republic of Texas to this Union, and if such proposition has been made, what answer has been returned."

In supporting this resolution Mr. Adams went

into a broad discussion of the proposition, now first openly brought to public attention in Congress, to annex Texas. "I consider the proposition itself of the proposed annexation," said Mr. Adams, "as utterly unconstitutional. Neither the President of the United States, nor this House, nor Congress, has any right to receive or to consider such a proposition. It is a new thing in the history of our nation, — a new thing in the history of the world. It is a totally different thing from what has taken place heretofore in cases of the cession of territory to the United States. On the first occasion of such cession, viz., in the case of Louisiana, it was objected to at the time, as being contrary to the Constitution. So far, indeed, as the mere cession of territory is concerned, it was my opinion (and you will find that opinion recorded on the journals of the Senate) that it was within the powers of Congress to form such a treaty; but in that treaty there were also provisions as to the inhabitants of the ceded territory, which secured to them privileges and advantages such as I thought the Constitution did authorise the government of the United States to confer. Nor was this my opinion only; it was also the opinion of the then President of the United States [Jefferson], as is well known to the world from letters of his written at the time; it was also the opinion of his successor [James Madison], the then Secretary of State, as avowed by him personally to me; and in consequence I did then introduce a resolution that the rights of citizens of the United States should be secured to the inhabitants of

Louisiana by that power which alone could confer those rights, viz., by all the people of the United States. I did propose an amendment to the Constitution to effect that object in the Senate. I was overruled; and notwithstanding the opinion of the President and of the Secretary of State, Congress did carry the treaty into full effect, thereby exercising functions which, in my humble opinion, pertain exclusively to the people of the United States. Now the case is changed. If, from a response to the first resolution, it should appear that a proposition had been made to the Republic of Mexico to cede a portion of its territory to the United States, and if it had been accepted, and a treaty entered into by virtue of which the inhabitants of the portion thus ceded should enjoy the rights of citizens of this Union, and should be admitted as a State, or as States, then that treaty would come before the House, and the precedents of Louisiana and Florida might be advanced to answer objections which might be urged on constitutional grounds.

"But here the case is totally different. This is not the case of a foreign government ceding territory and stipulating for the enjoyment of certain privileges by its citizens, but where a whole nation has proposed to be admitted to the rights of citizens of this Union. This is totally different from receiving a cession of territory, and I here declare, in the face of God, that no power on earth is capable of effecting such a thing but the people of Texas on the one hand, and the people of the United States on the other. The people of Texas have not conferred on their legislature the power

to make such a proposition. I have read their constitution attentively, and it contains no such power; and there is no such authority in the President of the United States, nor in Congress. It is a matter of which the people of the United States alone are competent judges. If such a proposition had been made to the President, the only answer he could have given must have been that he had no power to receive it; and if the same proposition had been addressed to Congress, its only answer must have been, 'We have no power under the Constitution to receive it.'

"These are the reasons why I did not add the restrictive clause often appended to calls for executive information. I do not admit it to be possible that the President should consider it incompatible with the public interest to answer the call. It is a subject in which the whole people of the United States have a deep, deep, deep interest; it is a question so deep as to involve that of the Union itself; for there is a large portion of the people of the United States who would prefer a dissolution of the Union to the act of annexation of Texas."

It is of interest to recall, in connection with the sturdy opposition of Mr. Adams to Texas annexation, that it was during his own presidential administration that the first overtures to Mexico for the purchase of Texas were made.

Mr. Adams's resolutions were adopted by the House, but not in the broad form which he so ardently desired. The majority of the representatives would appear not to have agreed with him in his conclusions that the President could

not find it by any possibility incompatible with public interest to give the information called for. Hence, with the usual restrictive clause, the resolutions were adopted.

The reception of various petitions to Congress, praying for the recognition of the independence of Texas, has been noted. The shower of petitions which fell upon Congress during this period were not all, however, of this tenor. There were many throughout the Union, and especially throughout the North, who recognised as inevitable an extension of slavery by the admission of Texas. The proposed acknowledgment of the independence of the province was the acknowledged precursor of its admission to the Union as a slave State, or possibly as a number of slave States. There were, therefore, many petitions which, by their terms, remonstrated against the admission of any more slave States to the Union; prayed for the abolition of slavery and of the slave trade in the District of Columbia and in the Territories; and prayed for the abolition of internal traffic in slaves. So determined was the pro-slavery element — which possessed much strength in Congress — that the rising storm of anti-slavery should be quelled that, on the twenty-sixth of May, 1836, late in the first session of the Twenty-fourth Congress, this extraordinary resolution was reported to the House of Representatives by a select committee, of which Henry L. Pinckney of South Carolina was the chairman: —

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the aboli-

tion of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.

The petitions and memorials relating to this subject had reached an enormous number. The tide of public opinion, especially at the North, in favour of the abolition of slavery, was rapidly rising. Fully one hundred thousand signers were petitioning Congress; and the select committee, recognising that it was "extremely important and desirable that the agitation of this subject should be finally arrested for the purpose of restoring tranquillity to the public mind," reported this resolution, which was, in effect, a denial to the people of the right of petition.

The resolution expired with the session, but it was renewed in the second session of the same Congress, on the nineteenth of January, 1837. The effect of this resolution was not, as anticipated by the committee, to tranquillise the public mind, but quite the reverse. The flood of anti-slavery petitions not only was not checked, but was increased five-fold. The battle of San Jacinto had been almost contemporaneous with the date of the first passage of the resolution. The slave power now felt a double impetus. The slaveholders of Texas, determined that the abolition of the institution, which had been decreed by the Mexican government, should not be effective within their borders, saw, by the double victory of their arms in the field and of their political ideas in the American Congress, the probable success of their plans. An envoy extraordinary was sent to Washington from Mexico,

to protest against the attitude of the United States regarding Texas, and against the invasion of Mexican soil by an American armed force, under General Gaines. This protest was vain, and the only reply of President Jackson was his vigorous message to Congress, already quoted, in which he asked the authority of Congress to make reprisals for certain alleged spoliation claims against Mexico. Now had come the recognition of the independence of Texas, in the form, as already related, of a clause in the diplomatic appropriation bill, rushed through on the eve of the dissolution of Congress, and of the expiration of the administration of President Jackson. The midnight appointment and confirmation of a chargé d'affaires to Texas was the consummation of what the anti-slavery element in the country did not hesitate to denounce as a plot in the interest of the extension of slavery.

The resolution of Mr. Adams, introduced in the special session called in September, 1837, requesting the President to communicate all correspondence between the United States and Mexico concerning a boundary line, and particularly concerning any proposition for a cession of Mexican territory to the United States, was significant. Just previous to the "reprisal" message of President Jackson, President Santa Anna had been released by his Texan captors and had come to Washington in the capacity of an agent to negotiate for a direct cession of Texas by Mexico to the United States. That Santa Anna had been present in Washington for that purpose was no secret in that city and, so far as news

could be readily despatched at that day, was well understood throughout the country. The failure of this plan was doubtless caused by the action of the Mexican legislature in totally suspending the official powers of the President while he should remain in captivity. Had this plan succeeded, the recognition of the independence of Texas would have been an unnecessary step, and the simple acceptance of the cession would have accomplished the desires of the advocates of Texan annexation. The resolution to table without reference all petitions and memorials touching the subject of slavery, or remonstrating against the admission of more slave States, called forth from John Quincy Adams, in the House of Representatives, a speech, or rather a series of speeches, exceedingly forcible in their nature, advocating and defending the right of petition, and incidentally opposing the annexation of Texas — one of the most important forensic efforts of his life.

The resolution of Mr. Adams before mentioned, calling for information from the President concerning any proposition which may have been made on the part of the government of Texas, looking toward annexation to the United States, was a resolution full of meaning. President Van Buren, in his message to Congress, on the fourth day of September, had made no allusion to such a proposition; and yet it was commonly believed, and was undoubtedly true, that the legislature of Texas, immediately after the recognition of that province as a republic by the United States, instructed by the people, had directed President

Houston to apply to the government of the United States for admission into the federal Union. This proposal had been made, in accordance with these instructions, by Memucan Hunt, the Texan minister plenipotentiary to the United States, in a note dated August 4, 1837. On the twenty-fifth of September, under instructions from President Van Buren, Secretary of State John Forsyth had formally declined, in behalf of the administration, to entertain the proposition. As already mentioned, no allusion was made to this transaction by the President in his message to Congress, at the opening of the special session; but secrecy is difficult in such matters, and rumours of such a transaction had leaked out, hence the request framed in the resolution offered by Mr. Adams, asking for information upon this topic.

The refusal of the Van Buren administration to entertain the proposal of annexation would appear to have been based upon technical grounds alone. So long as a state of war should exist between Mexico and her revolted province, the United States remaining at peace with that power, a proposal for the annexation of Texas could not be entertained. This was the substance of Mr. Forsyth's letter to Minister Hunt. The inference to be drawn from this letter of refusal would not fail to be that, the element of war being eliminated, no other obstacle would be urged to the consummation of the desired result.

Petitions and memorials remonstrating against the annexation of Texas still continued to pour in upon Congress, until the number of remonstrants

equalled fully two hundred thousand. The excitement continually increased. A Vermont member presented a petition of five hundred signers, praying for the abolition of slavery in the District of Columbia, but through the influence of members from South Carolina this was ruled to be out of order. Secret caucuses of members of Congress from slave States were held, at which plans for the repression of anti-slavery movements were laid. Resolutions adopted adverse to the annexation of Texas, by legislatures of non-slaveholding States, and forwarded to Congress, met with the same fate as did the petitions of individuals. In the early months of the year 1838 the subject of the annexation of Texas, in various parliamentary phases, was discussed in Congress. Vermont, Rhode Island, Ohio, Michigan, and Massachusetts, through their legislatures, solemnly protested against the annexation project; in Tennessee, Alabama, Mississippi, and South Carolina the sentiment in its favour was equally strong, and counter resolutions were adopted. Replying to the letter of Secretary of State Forsyth, declining, in behalf of the administration, to entertain, under existing conditions, the proposition of annexation, the Texan minister assured the government of the United States that "the prompt and decisive rejection of the proposition for the annexation to the United States will not be imputed to an unfriendly spirit toward the government and people of Texas." In June, 1838, Mr. Adams presented this resolution, which revived his already well-understood ideas relative to the powers delegated to the Congress by the Constitution: —

Resolved, That the power of annexing the people of any independent foreign State to this Union is a power not delegated by the Constitution of the United States to their Congress, or to any department of the government, but reserved by the people.

That any attempt by act of Congress, or by treaty, to annex the Republic of Texas to this Union, would be a usurpation of power, unlawful and void, and which it would be the right and duty of the free people of the Union to resist and annul.

It was in upholding this resolution, which was offered by way of a resolve to table all matters then before the committee on foreign affairs, that Mr. Adams made his remarkable speech upholding the right of petition, which has been remembered in history as making much of the reputation for statesmanlike qualities which has since attached to his memory.

For the next three years the attempts of the advocates of Texan annexation to bring their plans to fruition were not renewed. Mr. Adams himself regarded this cessation of endeavour as being the effect of his speech. On the seventeenth of September, 1842, on his return to his constituents, he was received at Braintree, Massachusetts, by a large body of citizens. In response to a speech of welcome Mr. Adams reviewed his career in Congress at great length and elaboration of detail. In discussing the Texas annexation scheme he said:—

"It was a darling project of Jackson to acquire a large portion of the Mexican territory, from the mouth of Rio del Norte to its source and thence across the continent to the Pacific Ocean, including the port of San Francisco. He once suffered

himself to be deluded into the belief that this plan was so near its accomplishment that he actually offered the government of the Territory of Texas to Hutchins G. Burton of North Carolina."

These negotiations for the cession of New Mexico and California would seem to have been continued by President Jackson for many months. It is probable that this movement upon his part was actuated, not so much by a desire to advance the cause of the slaveholding interest of the country, as by a keen forethought which led him to discern the future utility to our country of free access to the shores and ports of the Pacific Ocean. He would have been less than human, too, if he had failed to catch a glimmer of the glory which would attach to his administration by such a consummation — a glory scarcely less brilliant than that which has surrounded the administration which had negotiated and brought to a successful issue the Louisiana Purchase.

In discussing the effect of his speech in Congress upon the right of petition, and in opposition to the annexation of Texas, Mr. Adams said: —

"It silenced the clamours for the annexation of Texas to this Union for three years, till the catastrophe of the Van Buren administration. The people of the free States were lulled into the belief that the whole project was abandoned, and that they should hear no more of slave-trade cravings for the annexation of Texas. Had Harrison lived, they would have heard no more of them to this day; but no sooner was John Tyler installed in the President's house than nullifica-

tion, and Texas, and war with Mexico, rose again upon the surface, with eye steadily fixed upon the polar star of southern slave-dealing supremacy in the government of the Union. Very shortly after the accession of Mr. Tyler, in the summer of 1841, after three years' interval and numerous givings-out of the aversion of the Texans to being annexed to the United States, a military expedition was fitted out by the then president of Texas against the Mexican city of Santa Fé, at the head of the Rio Bravo. They marched in battle array, and although, until it met with disaster, scarcely known or noticed in this part of the country, it was well known in those southwestern States bordering on Texas that this invasion was carried on chiefly by citizens of these United States, even now professing to hold with Mexico the friendly intercourse of peace. The Texan expedition was ill starred; instead of taking and rioting upon the beauty and booty of Santa Fé, they were all captured themselves, without even the glory of putting a price upon their lives. They surrendered without firing a gun. The administration at Washington had endured all this open, bare-faced violation of neutrality without moving a finger or uttering a word to control it; but the instant the expedition was prostrated in ignominious defeat, it was roused by messenger after messenger, and convulsed with agitation, calling for the vindictive arm of the nation to shed the blood of war, to rescue these ruffians from the captivity into which they had fallen, or to bully the Mexican government into the free release of all this lawless

banditti. They undertook it, and they succeeded. Santa Anna caused them to be released, with a gentle warning to them and their countrymen not to be caught again in repeating the same experiment; while the present president of Texas, the Tennesseean victor of San Jacinto, issues proclamations and letters of instructions, and grants promises of lands to his recruiting officers at New Orleans, and raises regiments of Uncle Sam's children for another invasion of Mexico."

Notwithstanding the intense party spirit apparent in these utterances of Mr. Adams, induced by the bitter sectional feeling of the day, the historical student is able to draw from them a thread of historic truth. The political opponents of Mr. Adams would scarcely have been willing to admit that his speech in Congress, however powerful, had been sufficiently potent to produce a total cessation for three years of the efforts to bring about the annexation of Texas. They would have been more willing to believe, doubtless, that the continued delay of Mexico in acknowledging the independence of her revolted province, the consequent state of war which constructively existed, and the attitude assumed by the Van Buren administration, in declining to entertain a proposition for annexation during the continuance of a state of war between Mexico and Texas, may have combined to produce a result which Mr. Adams ascribed to the effect of his powerful remonstrances.

Whatever may have been the cause, it is undeniable that during the remaining portion of the

administration of Mr. Van Buren, the subject of Texas annexation remained in abeyance. On the fourth of March, 1841, President Van Buren's term of office expired, and he was succeeded by William Henry Harrison, whom he had defeated in the preceding presidential election. The new President was of the same political faith as Mr. Adams. He had been sent by Mr. Adams, when the latter was in the executive chair, as minister of the United States to the United States of Colombia. The venerable ex-President and long-time representative in Congress from Massachusetts, as well as many of his political confrères, were undoubtedly bitterly disappointed that the career of President Harrison was so soon cut short, and that John Tyler succeeded to the presidency. A passage in the extract from his Braintree speech just quoted makes this certain. Whatever may have been the policy of President Harrison regarding Texas, had he lived to declare it, that of Tyler from the outset was not difficult to discern. It was in April, 1841, that he succeeded to the presidential chair. Scarcely had the session of Congress opened, in December of that year, when memorials were presented again, praying for the annexation of Texas — memorials which had been adopted by the legislatures of Tennessee, Alabama, Mississippi, Louisiana, South Carolina, and Kentucky. Almost simultaneous with the presentation of these memorials occurred the Santa Fé expedition, undertaken by the Texan government, with soldiers openly recruited in New Orleans, under cover of a pretence of organising a trading ex-

pedition. This expedition, undertaken for the purpose of attempting to extend the Texan boundaries, was so undertaken, Mr. Adams intimates, with the secret encouragement if not by the actual connivance of the Tyler administration, for the purpose of promoting a war between the United States and Mexico. Be this as it may, it is true that a possible war with Mexico was in the minds of the members of the administration at this time, for the reports of both the Secretary of War and the Secretary of the Navy at this time contain recommendations for large increases in their departments. The Santa Fé expedition proved unfortunate, and the members fell into the hands of the Mexicans. President Tyler at once interposed in their behalf with Santa Anna, and that official — mindful, perhaps, of the kindly treatment which he had received in captivity, even while the recollections of the horrors of the Alamo were fresh — acceded to the request of the President of the United States. The prisoners were released with a warning; but the bitterness was renewed, and continued fresh by the rumoured preparations for another similar aggression against Mexican territory and sovereignty.

Notwithstanding the reluctance of the Van Buren administration to take the steps necessary to the consummation of the annexation of Texas to the federal Union, its friendly spirit toward the young Republic was manifested in the negotiation of a treaty with it. It is true that this was merely a treaty to establish a boundary line between Texas and the United States, and in no sense one of amity and friendship. For the

purpose of concluding this convention Secretary of State Forsyth was appointed a commissioner on behalf of the United States and Minister Hunt on behalf of Texas. The commissioners met at Washington on the twenty-fifth of April, 1838. The ratifications of the treaty thus concluded were exchanged on October 12 of that year, and the treaty was proclaimed the following day. This convention provided for the appointment of commissioners and surveyors, who should meet "before the termination of twelve months from the exchange of the ratifications of this convention, at New Orleans, and proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulf of Mexico, to the Red River."

Although the treaty fixed an early day for the meeting of the commissioners and the beginning of their work, it does not appear to have been followed with a considerable degree of diligence. The Van Buren administration expired and passed into history, and yet no report was received from the Texas boundary commission. It was not until December, 1841, that it was again heard from. In that month and year President Tyler, in his annual message at the assembling of Congress, announced that this commission had concluded its labours, but that its final report had not been received. "It is understood, however," says Mr. Tyler, "that the meridian line as traced by the commission lies somewhat farther east than the position hitherto generally assigned to it, and consequently includes in Texas some part

of the territory which had been considered as belonging to the States of Louisiana and Arkansas."

Alluding to Texas, President Tyler thus continues: —

"The United States cannot but take a deep interest in whatever relates to this young but growing Republic. Settled principally by emigrants from the United States, we have the happiness to know that the great principles of civil liberty are there destined to flourish, under wise institutions and wholesome laws, and that through its example another evidence is to be afforded of the capacity of popular institutions to advance the prosperity, happiness, and permanent glory of the human race. The great truth that government was made for the people, and not the people for government, has already been established in the practice and by the example of these United States, and we can do no other than contemplate its further exemplification by a sister republic with the deepest interest."

This utterance of President Tyler gives evidence that a renewal of the movement for the annexation of Texas was in contemplation by the chief executive. The man who had succeeded to the presidential chair at the death of General Harrison was a Virginian by birth and education. He was thoroughly loyal to the South and to the principles and institutions of that section which were then prevalent. This was evidenced not alone by his earnest advocacy of the scheme for the extension of slave territory, through the annexation of Texas, but also, years after, by an

active promotion of the cause of secession. He had contended in the Senate that Congress had no constitutional right to prohibit slavery in the Territories; and his vote alone had been cast in that body, in opposition to the bill to enforce the collection of the revenue in South Carolina, in the days of nullification.

There was no surprise, therefore, when the President, on the eighteenth of August, 1842, sent to the Senate for ratification a treaty of amity, commerce, and navigation recently concluded with Texas. This treaty provided that Texas should enjoy a right of deposit for such of its productions as might be introduced into the United States for export; and further, that raw cotton might be imported from either country into the other free of duty. This last-named provision had a limitation of five years; but, inasmuch as cotton was the staple and the only important production of Texas, and as its consumption was wholly in the United States, as between the two countries, the importance as well as the significance of this apparently reciprocal provision of the treaty is readily recognised. The treaty was but the forerunner of another of the deepest and the most vital importance. On the twenty-second of April, 1844, President Tyler sent to the Senate for its consideration, approval, and ratification a treaty which — to quote the words of the accompanying message — he had "caused to be negotiated between the United States and Texas, whereby the latter, on the conditions therein set forth, has transferred and conveyed all its right of separate and independent

sovereignty and jurisdiction to the United States." "In taking so important a step," continued President Tyler, "I have been influenced by what appeared to me to be the most controlling considerations of public policy and the general good, and in having accomplished it, should it meet with your approval, the government will have succeeded in reclaiming a territory which formerly constituted a portion, as it is confidently believed, of its domain under the treaty of cession of 1803 by France to the United States."

This last proposition was, at this time, a favourite declaration of those who favoured the annexation of Texas, and, indeed, throughout the debate which ensued, the term "re-annexation" was frequently employed. Whatever may have been the boundaries of the territory conveyed by the loosely drawn treaty of Paris, it is certain that the boundaries of the Spanish possessions in North America were definitely fixed by the Florida treaty of 1819. If, therefore, any valid title to the Texas region had at any time vested in the United States, that title had been cancelled by the last-named convention. The shout for "re-annexation" which was raised would seem, therefore, to have been a phrase to catch the ear of the multitude, and to raise a false enthusiasm. This attempt to "fire the national heart" was aided by the insistence of the Texan boundaries commissioners, upon the establishment of a boundary which should be, in the words of President Tyler, "somewhat farther east than the position hitherto generally assigned to it," and which should "include in Texas some part of the territory which had been

considered as belonging to the States of Louisiana and Arkansas."

The treaty of annexation, in a vote of 35 to 16, failed to receive the required majority of two-thirds in the Senate, notwithstanding its earnest advocacy by the President. The anti-slavery spirit was strong in the Senate, and the same spirit deprecated, not only the extension of slave territory, but also the commission of any act which might give cause for war with Mexico. That Republic — although actual hostilities in Mexico, after San Jacinto, had been but desultory — had never acknowledged the independence of its revolted province. It had notified the United States that any act of Congress for annexing Texas would be regarded as an act of war. Mexico had offered autonomy to Texas, without actual independent sovereignty, but this had been declined. There was no alternative but for the advocates of annexation to push their scheme, if possible, to completion, in defiance of Mexico, and in peril of peace with that power. The plan had been undertaken by Secretary of State Upshur, who had entered into secret negotiations with Van Zandt, the Texan minister at Washington. But the way was by no means clear. As often, Great Britain's hand was felt, and negotiations with Mexico, looking toward the independence of Texas, were in progress. But Great Britain had no intent of aiding the United States to a further increase of its boundaries and of its sea-coast line. The peace and the Texan independence that Great Britain would negotiate, would be a peace and independence without annexation.

The crisis which the President and his allies would provoke was serious; but the results, in their view, would be quite worth the hazard. "Without annexation Texas cannot maintain slavery ten years — probably not half that time," wrote Secretary Upshur to Houston, in urging him to take the decisive step; and as a further inducement the Texan leader was assured that a majority of two-thirds in the Senate could readily be obtained for a treaty of annexation. That Secretary Upshur had widely overestimated the strength of the administration's influence in the Senate we have already seen; but Mr. Tyler and his friends were by no means inclined to abandon their scheme. The President had, before submitting to the Senate the treaty of annexation, committed himself to the plan, and had hurled defiance to Mexico in no equivocal manner. In his third annual message to Congress, at the opening of its session in December, 1843, he had alluded to the attitude assumed by Mexico in the Texan matter, and had taken a position which his adherents vigorously applauded. "I communicate herewith," said the President, "certain despatches received from our minister at Mexico, and also a correspondence which has recently occurred between the envoy from that Republic and the Secretary of State. It must be regarded as not a little extraordinary that the government of Mexico, in anticipation of a public discussion (which it has been pleased to infer from newspaper publications as likely to take place in Congress, relating to the annexation of Texas to the United States), should have so far anticipated the result of such discussion as to

have announced its determination to visit any such anticipated decision by a formal declaration of war against the United States. If designed to prevent Congress from introducing that question, as a fit subject for its calm deliberation and final judgment, the executive has no reason to doubt that it will entirely fail of its object. The representatives of a brave and patriotic people will suffer no apprehension of future consequences to embarrass them in the course of their proposed deliberations, nor will the executive department of the government fail for any such cause to discharge its whole duty to the country."

Thus defying Mexico to make good its threat, the President continues to argue in detail for the discontinuance of the predatory warfare, which had continued now for eight years, between Mexico and its revolted province of Texas; shows that not only the United States, but several of the powers of Europe, have recognised the independence of Texas; and adds, "I cannot but think that it becomes the United States, as the oldest of the American republics, to hold a language to Mexico, upon this subject, of an unambiguous character." The certain absence of friendly tone in these allusions to Mexico was not forgotten, a year or two later, on either side of the Rio Grande.

Matters now moved with rapidity. Four months after the utterance of these defiant words, and heedless of the almost certain result which would follow, President Tyler sent to the Senate his treaty of annexation of Texas. This treaty, as we have already seen, did not meet the approval

of the majority of the Senate requisite for its ratification. But the earnest advocates of Texan annexation made no pause. Almost immediately after the rejection of the treaty — on the tenth of June, 1844 — Senator Thomas H. Benton of Missouri presented a series of joint resolutions for the annexation of Texas to the federal Union. In a loud voice he raised the cry for "re-annexation." Texas, and the country between the Red River and the Arkansas, he said, had been dismembered from the United States in the year 1819, and had since remained under foreign domination. He had denounced that parricidal act in the moment of its perpetration, and had sought to undo it ever since. He had conversed with Mr. Clay in 1825, when that gentleman was Secretary under Mr. Adams; he had applauded the Secretary's design to recover the sacrificed territory and volunteered his promise of support to Mr. Adams's administration in that laudable undertaking. He had supported President Jackson and Secretary of State Van Buren in the same design in 1829, and wrote "Americus" and "La Salle" to promote their success. Since the Texas revolution—the success of which was never one instant problematical, in his judgment—he had awaited the events which were of themselves, and without a shock to our Mexican trade, destined to restore the dismembered territory to its natural possessor. He saw in the approaching termination of the Mexican and Texan war the natural and speedy consummation of that cherished conjunction. He charged that the plan for annexation by treaty was brought for political effect only. It was now for the old friends

of annexation to return to their task and to consummate their work. "As the oldest of these old friends," declared Senator Benton, "I now resume my task where I left it off at the breaking out of the Texan revolution, and shall go to work constitutionally, honourably, and disinterestedly to provide for the annexation to the United States of Texas and all the sacrificed territory of which it was, from 1803 to 1819, a legal part, and of which it now is and forever has been a natural and geographical part."

Setting forth the plan which he had formulated, Senator Benton argued for an expression of a desire for annexation, on the part of the Texan people, as a prerequisite for, or at least a concomitant of, an annexation resolution by Congress. This expression, he believed, should come either directly from the people themselves, or through their legal representatives. After annexation he advocated the admission of a portion of the annexed territory into the federal Union as the State of Texas, the remaining portion to rest under a territorial form of government, under the title of the Southwest Territory, "until the growing population should require the formation of new States." He also advised the division of this Territory into slaveholding and non-slaveholding States. He also suggested that our government should endeavour to procure the assent of Mexico to the annexation of Texas, as a prudent, although not indispensable, measure.

Mr. Benton's bill, as presented, would seem to have been merely tentative in form, for two other series of joint resolutions, in effect the same as

this, but more elaborate in detail, were soon presented. The first of these was introduced in the House of Representatives by Stephen A. Douglas of Illinois; the second in the same body by Charles J. Ingersoll of Pennsylvania. "I think," said Mr. Ingersoll, in urging the passage of his bill, "as it is annexation to and at the South, the wishes of the South are to be most consulted, just as those of Maine and Massachusetts were consulted in the late settlement of the northeastern boundary. Still, like that of Maine, the question is national, and national considerations should prevail in the latter as they did in the former, when the Union, south and west and central, sustained the Northeast in its plan of settlement. It is undeniable, however, that southern interests, southern frontiers, southern institutions, — I mean slavery and all, — are to be primarily regarded in settling the restoration of Texas. It is a Texas question and a southern question."

Robert C. Winthrop, then a representative from Massachusetts, opposed the resolutions. "It is for those," he said, "who contemplate so momentous a change in our system, who are for running off for foreign lands and foreign alliances, who seek to jeopardise the peace and union of the country in order to find a more ample theatre for their transcendental patriotism, to furnish arguments to sustain them. Sir, we have the Constitution. That Constitution is one of limited powers and of specified grants of power. That Constitution contains the clause that the powers therein enumerated shall not be construed to deny or disparage others retained by the people; and

it also contains the clause that the powers not thereby granted are reserved to the States or to the people. It is for those who contend for the annexation of a foreign territory to show that the power they attempt to exercise is contained in the grant. . . . It is impossible to realise the fact that this subject is actually before the House for discussion. The introduction of a vast foreign nation into our boundaries, the naturalisation of some thousands of Texans as well as Mexicans, the introduction of twenty-five thousand slaves into the Union in defiance of the Constitution which prohibits it, the admission of a Territory not only of a size sufficient to create two or three new States, but of a capacity to disturb the orbits of all the other stars and drive them into a new centre toward other suns, and all this, too, by one simple act of legislation, is a thing so monstrous as almost to exceed belief. It is a measure devised by a chief magistrate [President Tyler] who was not the choice of the people, but who is the chief magistrate by accident, for his own ambitious views. It was rejected by the Senate, after mature deliberation and a thorough discussion; and it is now brought forward, after an hour's consultation, in the committee on foreign affairs, and is to be passed with as little consideration as is ordinarily bestowed on an act to grant a salary or create an office. The whole scheme is unconstitutional in substance and form; it is contrary to the law of nations and a violation of the good faith of our own country; it is eminently calculated to involve this country in an unjust and dishonourable war. I object to it on account

of its relation with domestic slavery. I deny the authority of this government to annex a foreign State, by any process short of an appeal to the people, in the form which the Constitution prescribes for its amendment."

Stephen A. Douglas replied to Mr. Winthrop warmly, denying that the plan under discussion had originated with President Tyler, and asserting that the first proposition to this end was made in 1825, by President John Quincy Adams, who had authorised his Secretary of State, Mr. Clay, to offer a million of dollars, in order to secure this valuable acquisition. Again, he showed also that President Jackson, through Secretary of State Van Buren, instructed our minister at Mexico to offer five millions of dollars for the accomplishment of this object. Similar propositions, he showed, were made again in 1833 and in 1835 by President Jackson.

These were all undeniable historical truths, as we have seen in the early portion of this narrative. Mr. Douglas also urged the great commercial advantages which would accrue from the annexation of Texas, and called attention to the great and increasing markets that would, by this means, be opened for northern manufacturers. He also urged the greater security to be afforded this country by the annexation of this territory, through the acquirement of better boundaries by this means. He replied to the constitutional argument of Mr. Winthrop, and declared himself satisfied that Congress had the constitutional power to annex foreign territory. He quoted

the Louisiana and the Florida annexation as proof of the soundness of his position.

It was in December, 1844, that the joint resolutions for the annexation of Texas were presented in Congress. For nearly three months they were the subject of debate in the houses of Congress, the Democratic members being their earnest advocates, and the Whig members their equally earnest opponents. The strength of the advocacy of annexation was in the South, and the true reason for their insistence, however it might be concealed by plausible argument, was to be found in the desire of the South and its northern allies to place the institution of slavery upon a firm and enduring foundation. One concession was made to northern feeling, and this, doubtless, with the hope of thereby increasing the strength of the annexation feeling among northern members of Congress. This was a concession to the sturdy contention of John Quincy Adams for the right of petition and the repeal of the rule by which all petitions touching upon the abolition of slavery were to be tabled, without reference to a committee.

But this submission to popular clamour was made only to redouble the effort of the pro-slavery party in Congress to effect Texan annexation. The composition and attitude of the incoming Congress, which was to begin its session in March, was not uncertain. James K. Polk of Tennessee had been elected President of the United States on the Democratic ticket, after an earnest canvass, not unmixed with bitterness, in which the question of the annexation of Texas had been a

prominent feature. There was scarcely a doubt that the new Congress and the new executive would push annexation to a speedy consummation were it left to their decision. The present Congress, however, and the present executive were no less eager than the incoming powers could be to bring to a close the long contest. The fear of provoking war with Mexico, by a violation of good faith with that power, no longer troubled the minds of southern statesmen. The fear of British intervention for the independence of Texas, upon the basis of the abolition of slavery, was now paramount. This must be averted at all hazards; and no way seemed open to the accomplishment of this end save speedy annexation, with provision for an early admission of Texas as a State in the federal Union. The opposition was swept away. It was in vain that William H. Seward, in a speech made during the presidential campaign, in a spirit of warning and divination said, "To increase the slaveholding power is to subvert the Constitution; to give a fearful preponderance which may, and probably will, be speedily followed by demands to which the Democratic free-labor States cannot yield, and the denial of which will be made the ground of secession, nullification, and disunion." In January, 1845, the resolutions were brought to a vote in the House of Representatives, and on the twenty-fifth of that month they were adopted by a vote of 120 to 98.

Action by the Senate did not immediately follow. That body had already rejected the Texan treaty of annexation, and its attitude toward the

joint resolutions of annexation differed only in the fact that, whereas a majority of two-thirds is required for the ratification of a treaty, a joint resolution of the two houses, effecting the same result, required a mere majority of votes cast for its adoption. Senator Benton of Missouri, who had introduced the original resolutions of annexation, which provided for the concurrent assent of Mexico, now appeared as an opponent of this view. The Senator was by no means opposed to the annexation of Texas; but having seen his party a victor in a contest, the chief feature of which was this augmentation of the slave power in the country, he was not willing that the incoming administration should be shorn of the glory of the accomplishment. He now appeared as an obstructionist, and offered a new bill, which provided for the accomplishment of the same result, but by a different method. Delay and complication were the only results reached by this fresh movement, and were doubtless the only results contemplated. A compromise followed, and by a bare majority of two votes — the vote standing 27 to 25 — the joint resolutions for the annexation of Texas were adopted by the upper house of Congress. Despite the brilliant eloquence of Rufus Choate of Massachusetts, and despite the resolutions of the general court of his State, condemning annexation of foreign territory by mere act of Congress, the resolutions became a law.

The result had not been reached without a severe struggle. In contrast with the attitude of Massachusetts, those northern States which had cast a majority of votes for the Democratic candi-

date in the recent presidential election — notably Maine, New Hampshire, and Michigan — had, through their legislatures, favoured the measure. Virginia assumed a neutral attitude and refused to instruct its senators upon the subject. South Carolina, on the other hand, always a leader in the defence of the institution of slavery, did not leave its attitude in doubt; and open expression was given by leaders of the State and formers of public opinion to the sentiment, "Annexation with union, if we can; without it, if we must." At the critical moment a revolution in Mexico and the fall of Santa Anna turned the scale. Three days before the expiration of President Tyler's term of office and the accession of President Polk, a salute of one hundred guns in front of the Capitol at Washington announced the annexation of Texas.

The adoption of resolutions of annexation had been urged by President Tyler, whose sympathy with the pro-slavery element in the country was unconcealed, in language glowing in its optimism, but in which no reference, however covert, to the underlying cause of his anxiety could be discerned. In allusion to the recent presidential election, its chief issue and its result, he had said: —

"The decision of the people and the States on this great and interesting subject has been decisively manifested. The question of annexation has been presented nakedly to their consideration. By the treaty itself all collateral and incidental issues, which were calculated to divide and distract the public councils, were carefully avoided,

These were left to the wisdom of the future to determine. It presented, I repeat, the isolated question of annexation, and in that form it has been submitted to the ordeal of public sentiment. A controlling majority of the people and a large majority of the States have declared in favour of immediate annexation. Instructions have thus come up to both branches of Congress from their respective constituents, in terms the most emphatic. It is the will of both the people and the States that Texas shall be annexed to the Union promptly and immediately. It may be hoped that in carrying into execution the public will thus declared, all collateral issues may be avoided."

But although the executive was anxious that "all collateral issues" might be avoided in carrying the plan of annexation into execution, such a disposition, in the nature of things, was not possible. The joint resolutions for the annexation of Texas provided for the erection of the territory included within the limits of the Republic of Texas into a new State, to be called the State of Texas, with a republican form of government to be adopted by the people of said Republic by deputies in convention assembled. The new State was to be formed subject to the adjustment by the United States of questions of boundaries, and the constitution to be adopted should be submitted to Congress for ratification. Public lands within the State were to remain its property, the increment therefrom to be applied to the extinguishment of the public debt. It was provided that new States, not exceeding four in number, in addition to the State of Texas, might,

by the consent of that State, be formed out of the territory thereof; but it was provided that such States as might be formed out of that portion of said territory lying south of 36° 30′ north, commonly known as the Missouri Compromise line, should be admitted to the Union with or without slavery, as the people of each of those States should desire. In States formed of territory north of that line slavery should be prohibited.

Upon the last day of his term of office President Tyler despatched his nephew as a special messenger, bearing to the authorities of Texas the official intelligence of the action of the American Congress. The response of that government was its assent to the provisions of the joint resolutions and its consent that the people and territory of the Republic of Texas might be erected into a new State of the federal Union, to be called the State of Texas. On the fourth day of July, 1845, by the passage of this ordinance, the consummation of the annexation of Texas to the territory of the United States was accomplished.

Erection of the new Territory into a State was not long delayed. On the twenty-ninth of December, 1845,—a constitution having in the meantime been adopted,—by formal resolution the State of Texas was admitted to the Union "on an equal footing with the original States, in all respects whatever." The territory added to the area of the United States by this acquisition included that covered by the present State of Texas, and in addition the region extending westward to the upper waters of the Rio Grande, and northward to the river Arkansas, including a con-

siderable portion of the present territory of New Mexico, a small portion of Colorado, and a corner of Kansas. In the year 1850 the State of Texas was reduced to its present dimensions by ceding to the United States the remaining portion of its domains for the sum of 16,000,000 dollars. By the original annexation the area of the United States was increased by 371,063 square miles. With the exception of the Louisiana Purchase it was the largest in area of the annexed territories yet acquired.

CHAPTER V

THE MEXICAN CESSION

The careful student of history cannot fail to perceive that, save the region occupied by the English and Dutch settlements along the Atlantic seaboard, the French colonies in Canada, and the Russian possessions in Alaska, the entire continent of North America was once dominated by Spain. By its sale to France of the province of Louisiana, the claim of that nation to the great Mississippi Valley was extinguished. By its cession of the Floridas to the United States, and its almost simultaneous loss of its colony of Mexico, its power disappeared from the Atlantic coast and from the Gulf, leaving to its control only its West Indian possessions. With the loss of Mexico in 1823, was lost to Spain also that vast region to the westward of the Rocky Mountains, and extending thence to the shores of the Pacific Ocean. This was, at the point of time covered by the negotiations for Texan annexation, almost an unknown country. It is true that, as long ago as the year 1835, President Jackson, impelled, it is probable, more by the thought of procuring a Pacific coast outlet for our country than by a belief in the intrinsic value of the region itself, proposed to the government of Mex-

ico to purchase the territory lying east and north of a line drawn from the Gulf of Mexico along the eastern bank of the Rio Grande to the thirty-seventh parallel of north latitude, and thence to the Pacific Ocean. This would have included the region covered by the present State of Texas, portions of New Mexico and Colorado, Utah, Nevada, and the northerly half of California, the latter comprehending the city and bay of San Francisco. This negotiation was not successful. The explorations of Fremont by land, and of Commodore Charles Wilkes by sea, served to add much to human knowledge concerning this region; but its infinite possibilities in agriculture and its boundless wealth in minerals were then unsuspected.

The conquest of Mexico by Cortez in 1514, and the exploring expeditions of Marcos de Niza in 1535, of Coronado in 1540, and, by sea, of Hernando de Alarcon in the same year, seemed to establish the claim of Spain to this region — a claim fifty years before vaguely set up through the absurd bull of Rodrigo Borgia. Beyond the tacit surrender of the region to the control of the friars, Spain had done little to advance its claim. Even as late as 1830 the city of San Francisco, upon the chief harbour of the Pacific coast, contained a population of not more than two hundred Spanish officers, soldiers, and priests. Of this settlement the mission of San Francisco de los Dolores formed the principal part. The settlement of the city of Santa Fé dates, it is true, from the year 1640, but at neither of these points did Spain make distinctive attempts to found important

colonial settlements. In the year 1812 a Russian settlement — the consent of Spain being first gained — was established at Bodega, on the California coast. This was a fur-trading and fishing station. Forty miles distant from Bodega, beyond the San Sebastian river, these Russian settlers built a trading fort, which they called Fort Slawianski, but which the Mexicans called "Fort of Ross." The Russian flag was here raised, and although no formal claim was ever made by the Czar to this region, during the Mexican revolt against Spanish rule the Russians assumed to be the actual proprietors of the territory which they occupied. A military governor appointed by the Czar was in command, and so well was this colony cared for by the home government that in the year 1842 fully one-sixth of the entire white population of California were of this settlement.

The attitude of the United States toward Mexico, in the discussion of the Texas affair, was not overlooked by foreign governments. England had missed its opportunity of extending its rule over the valley of the Mississippi when Napoleon forestalled a probable British military occupation of that region and sold the Louisiana territory to the United States. Great Britain was now looking with earnest, longing eyes toward California, awaiting an opportunity or a pretext for its occupation. European statesmen saw in the approaching annexation of Texas to the United States, without the consent of Mexico, a certain *casus belli;* and a war between Mexico and the United States might, perhaps, afford a pretext for landing British forces upon the Pacific coast and

for thus occupying California soil. This pretext was to be the collection of the Mexican debt due to British subjects. France, too, remembered its loss of Canada by the sword, and in commercial prestige its equally disastrous loss of Louisiana through more peaceful measures. In 1841 Marshal Soult, the French minister of war, despatched to California M. Duflot de Mofras, an attaché of the French mission to Mexico. This diplomatic official remained in that region for two years, making a thorough exploration, reporting, doubtless, to his chief. A few years later, when war actually existed, an American fleet under Commodore Sloat was hovering about the California coast, closely watching, and as closely watched by, a British fleet, both anxiously awaiting the dénouement.

On the fourth day of March, 1845, James K. Polk was inaugurated President of the United States. In his inaugural address he said to the people of the country and to the world: "While the Chief Magistrate and the popular branch of Congress are elected for short terms by the suffrages of those millions who must in their own persons bear all the burdens and miseries of war, our government cannot be otherwise than pacific. Foreign powers should therefore look on the annexation of Texas to the United States, not as the conquest of a nation seeking to extend her dominions by arms and violence, but as the peaceful acquisition of a territory once her own, by adding another member to our confederation, with the consent of that member, thereby diminishing the chances of war and opening to them

new and ever increasing markets for their products." On the assembling of Congress in the succeeding December, President Polk, in his message to that body, again alluded to the annexation of Texas, characterising it as "a bloodless achievement." "No arm of force," said he, "has been raised to produce the result. The sword has had no part in the victory." And yet none knew better than he that the sword was putting on, even then, a keener edge, preparing for the conflict that was to come.

"I regret to inform you," said President Polk in the same message, "that our relations with Mexico, since your last session, have not been of the amicable character which it is our desire to cultivate with all foreign nations. On the sixth day of March last the Mexican envoy extraordinary and minister plenipotentiary to the United States made a formal protest in the name of his government against the joint resolution passed by Congress for the annexation of Texas to the United States, which he chose to regard as a violation of the rights of Mexico, and in consequence of it he demanded his passports. He was informed that the government of the United States did not consider this joint resolution as a violation of any of the rights of Mexico, or that it afforded any just cause of offence to his government; that the Republic of Texas was an independent power, owing no allegiance to Mexico, and constituting no part of her territory or rightful sovereignty and jurisdiction. He was also assured that it was the sincere desire of this government to maintain with that of Mexico

relations of peace and good understanding. That functionary, however, notwithstanding these representations and assurances, abruptly terminated his mission and shortly afterward left the country. Our envoy extraordinary and minister plenipotentiary to Mexico was refused all official intercourse with that government, and remaining several months, by the permission of his own government, he returned to the United States. Thus by the acts of Mexico all diplomatic intercourse between the two countries was suspended.

"Since that time Mexico has until recently occupied an attitude of hostility toward the United States, has been marshalling and organising armies, issuing proclamations, and avowing the intention to make war on the United States, either by an open declaration, or by invading Texas. Both the Congress and convention of the people of Texas invited this government to send an army into that territory to protect and defend them against the menaced attack. The moment the terms of annexation were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defence. I therefore deemed it proper, as a precautionary measure, to order a strong squadron to the coast of Mexico, and to concentrate an efficient military force on the western frontier of Texas. Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces. Our squadron in the Gulf was ordered to coöperate with the

army. But though our army and navy were placed in a position to defend our own and the rights of Texas, they were ordered to commit no act of hostility against Mexico, unless she declared war, or was herself the aggressor, by striking the first blow. The result has been that Mexico has made no aggressive movement, and our military and naval commanders have executed their orders with such discretion that the peace of the two republics has not been disturbed."

After making this plain statement of facts and conditions, President Polk continued at length in discussion of the relations between Mexico and the United States. He declared that Texas had declared and maintained for nine years her independence of Mexican rule; that this independence had been acknowledged by the United States and by the powers of Europe; and that claims of the people of the United States against Mexico, for grievances in the spoliation of commerce, have remained long unredressed. A commission appointed in 1840 to adjudicate these claims had found a verdict of upward of two millions of dollars against Mexico — claims which had been acknowledged by that power, but a portion of them remained unsettled. The attitude of menace being maintained for many months, President Polk states that he demanded of Mexico to know its intentions. In November, 1843, answer was returned that Mexico was contented to resume diplomatic relations with the United States. The war cloud thus appeared about to disperse, and the sun of peace again to shine.

But President Polk did not tell the nation the

whole story of our relations with Mexico. He did not tell that for more than a year past extensive warlike preparations had been in progress in the United States; that the navy had been largely augmented. When he stated that a strong squadron had been detailed to patrol the Mexican coast, he did not also state that another squadron had been despatched to the Pacific, and that it was hovering about the California coast. He did not inform the people that, three years before, Commodore Jones, in command of this naval force, had raised the flag of the United States in Monterey Bay, and had taken formal possession of this portion of Mexican soil while yet the two nations were at profound peace. It is true that President Tyler had disavowed this act, but yet it had constituted an act of aggression, at which Mexico had been justly provoked and alarmed.

The intimation that Mexico would resume the interrupted diplomatic relations was promptly met by President Polk. John Slidell of Louisiana was promptly appointed to the Mexican mission. Years after the name of Slidell attained an international notoriety, through his connection with the famous "Trent affair." The private instructions given the new minister were, it was believed, to the end that negotiations for the purchase of California by the United States should be pushed, if it were possible, to a successful issue. These instructions were to the effect that peace was to be offered to Mexico upon the terms of a cession of New Mexico, and the establishment of a boundary line at the Rio Grande and to the forty-second parallel of north latitude. For this cession he was empowered to

offer the sum of $5,000,000. For the cession of California he was to agree to the assumption by the United States of claims of American citizens against Mexico, and the payment of $25,000,000; and for the cession of the bay and harbour of San Francisco, and the Mexican territory to the northward of that point, he was empowered to offer the sum of $20,000,000.

But Slidell's mission to Mexico was brief and inglorious. Mexico declined to receive and to treat with him. He found the war spirit rampant, and the Mexican government ill disposed to treat, in any friendly manner, for the cession of territory. The minister's credentials were broader in their terms than had been anticipated by the Mexican Secretary of State. It was plain to Mr. Slidell that it was impossible for him to be useful in his position, and after a few weeks of residence at the Mexican capital he requested his passports and withdrew.

In the meantime the American forces under General Taylor were instructed to maintain their position upon the Rio Grande, and the fleet in the Gulf was not weakened. James Buchanan, Secretary of State, had kept in close touch with Minister Slidell, with instructions to discover, if possible, whether the powers of Europe were planning to intervene in Mexico's behalf, in case hostilities should ensue. In no wise were the instructions of Slidell pacific in their nature, but rather were they designed to seek for pretexts, on the part of the United States, for "energetic measures" should the overtures for the purchase of the coveted territory be met with coldness.

The return of Slidell was interpreted as a signal that pacific measures for the acquisition of Mexican territory were of no avail. The spirit of conquest, dominated by the spirit of slavery, was in full possession of the ruling party in the nation. The troops of Taylor, emerging from the territory between the Rio Grande and the Nueces, reached the shore of the Gulf. Threatening Matamoros, always a Mexican city and never claimed by Texas, the American army began a blockade of the river at this point. The Mexican general, Arista, nothing loath, accepted the gauntlet thus thrown down. An American scouting party was attacked by Mexicans; and thus provoked through the deliberate plans of Polk, Mexico had struck the first blow, and given what seemed a plausible pretext for a declaration of war.

On the eleventh of May, 1846, in a special message to Congress, President Polk declared that the Mexican government, "after a long-continued series of menaces, have at last invaded our territory and shed the blood of our fellow-citizens on our own soil." After a lengthy statement of the Slidell affair, and of the movement of our troops, "under positive instructions to abstain from all aggressive acts toward Mexico," Mr. Polk announced that Mexico had formally declared war against the United States, and that the two nations were now at war. "We are called upon," he declared, "by every consideration of duty and patriotism, to vindicate with decision the honour, the rights, and the interests of our country." He asked that authority should be given to raise

volunteer troops to serve for not less than six or twelve months, and recommended "that a liberal provision be made for sustaining our entire military force and furnishing it with supplies and munitions of war."

Congress replied to this warlike message by making, on the succeeding day, a formal declaration of war, as already existing by the act of Mexico itself, appropriated $10,000,000 to prosecute the war, and authorised the enlistment of fifty thousand volunteer troops.

California, already occupied by large numbers of colonists from the United States, bade fair to follow in the track which Houston and his followers had marked out for Texas. Fremont, then a young captain of infantry, had led two expeditions for exploration through the country. Early in 1841 he was again in California, in command of a third expedition, escorted this time by armed troops. Meanwhile an American naval force was hovering about the California coast, its commander well aware of the impending conflict; and with a watchful eye upon its movements hovered about also a British squadron, lest the rapidly growing offspring of Britain should gain the commercial prestige which a Pacific coast-line would undoubtedly give.

Thus by land the American forces defied the authority of Castro, the Mexican governor, and made the conquest of California from this point sure. American, British, and French consuls in California had struggled each to offer to the people of California the most tempting sugges-

tions for annexation to their respective nations. But the day of peaceful persuasion was past. It was the middle of May when the mutual declarations of war were made. Modern invention had not at that day given to the world the telegraph, and means of communication between the Atlantic and the Pacific seaboard were crude. Commodore Sloat, in command of the Pacific squadron, had long before received orders for an aggressive movement against the coast, in the event of a declaration of war. He did not wait for the reception of official news of the incidents of May. He heard of the skirmish on the banks of the Rio Grande, before Matamoros, and of the advance of General Taylor. The British fleet, under Commodore Seymour, lay almost within view. He determined to delay no longer, and, on the seventh of July, 1841, entering the bay of Monterey, he demanded the surrender of that city, and raised the flag of the United States over California, at the moment when the British fleet, its commander alarmed at the American movement, entered the bay.

Meantime the war had opened with vigour; but by no means was it universally popular. Said Columbus Delano of Ohio, in a debate in the House of Representatives, on a bill for the support of the army, "We are in the midst of a war which we have engaged in without authority of law, and without being in the right, but I am now ready to go shoulder to shoulder with all those who sustain the honour of the country." An acrimonious debate followed, in which the President and his policy were alternately con-

demned and defended. It was charged by opponents of the President that the war was brought on by his unconstitutional acts, and the epithet "usurper" was freely applied to him. When, however, the bill for the support of the army was put upon its passage, it was found that, however bitter had been the opposition to the course of the administration, not a single member was willing to appear as an open enemy of the country. Without a dissenting voice the bill was passed.

The occupation of the province of New Mexico, and the capture of its chief city, Santa Fé, closely followed the capture of California. The war continued, but the object desired to be attained by the administration was now already accomplished. It remained, by arms and by diplomacy, to retain possession of the territory which had been so promptly seized. So vigorously was the war waged, and so uniform were the victories of the American forces, that before the close of the year 1846 the result of the conflict was no longer doubtful. In December, on the assembling of Congress, President Polk, quoting the Louisiana and the Florida affairs as precedents, asked that the sum of $3,000,000 should be placed at the disposal of the executive, to be employed as might be required in the settlement of existing difficulties with Mexico. Although it was not distinctly so averred, it was understood that this money, if appropriated, was to be employed in some manner in the acquisition of territory. So well was this understood that when, a few months before, the President had made a similar request for an appropriation of the sum of $2,000,000, the

bill for making the appropriation was passed by the House of Representatives with a "rider" proposed by David Wilmot of Pennsylvania. This was the famous "Wilmot Proviso," and provided that slavery should be forever prohibited in the territory to be acquired from Mexico, by virtue of the sum thus to be made available.

The bill, with the proposed amendment, failed of adoption in the Senate, although it passed the House by a majority of nineteen. When, in response to the renewed request of the President, a bill was introduced in February, 1847, providing for the appropriation of the sum of $3,000,000, "to bring the war with Mexico to a speedy and honourable conclusion," the Wilmot Proviso was revived. Again an earnest debate ensued, consuming, at this time, several days of the session of Congress. In this debate the attitudes of the North and the South were distinctly defined. Senator Colquitt of Georgia, in allusion to the Wilmot Proviso, employed this significant language: —

"Nor will I shrink back at the frightful spectre of fanaticism, nor yield a right to escape its foulest machinations. No, sir! The God that guided and shielded the country in its fearful struggle for independence is still our God! Many a paltry, time-serving politician, who estimates his selfish purposes higher than the Constitution of his country, will be dead, and many others will be driven from the councils of the nations, shrouded with that black and bloody mantle with which they threatened to obscure the bright prospects of their country. I shall oppose every proposition by which the progress of the war may be checked by unnecessary

or mischievous anticipation. But I must say to those gentlemen who flatter themselves that now or hereafter the South will suffer herself to be degraded to preserve friendly relations with the North, that they make a sad miscalculation. I know the South and the feelings of her generous people. They will lay no burdens upon other sections of the Union. They will require no sacrifices, make no exactions. They love the Union and will labour to preserve it, so long as it can be preserved consistently with honour. But with all their devotion to the Union there is not a man, woman, or child among them but would sooner see the bright, sunny South riven by an earthquake from the continent, and floating like an iceberg upon the ocean, than see her sons submit to outrage and degradation. This fair land of ours should be the peaceful patrimony of a band of brothers. The South earnestly and honestly desires to preserve and strengthen the golden chain that binds us together; and when its links shall be severed by the ruthless folly of fanaticism, the blow will not be given by a southern arm, while she will receive its infliction with unflinching firmness and unfeigned regret."

Early in this notable debate Daniel Webster, in the Senate, offered resolutions to the effect that the war then existing with Mexico ought not to be prosecuted for the acquisition of territory to form new States to be added to the Union, and that it ought to be signified to the government of Mexico that the government of the United States did not desire to dismember the Republic of Mexico, and that it is ready to treat for peace,

for a liberal adjustment of boundaries, and for just indemnity due by either government to the citizens of the other.

Four days later John C. Calhoun of South Carolina presented a series of resolutions declaring that "the enactment of any law, which should directly, or by its effects, deprive the citizens of any of the States of the Union from emigrating with their property into any of the Territories of the United States, would be a violation of the Constitution and the rights of the States from which such citizens emigrated." In a speech full of earnestness, Mr. Calhoun presented these resolutions. He exposed the plans of the senators from the non-slaveholding States, in their continued protestations against the extension of slavery into the Territories. He showed the alarming increase of strength in the opposition to slavery, and the fact that, should these machinations succeed, the further increase of slave territory would be impossible, while the almost indefinite expansion of free State territory would be certain. He attacked the administration as wholly responsible for the war then in progress.

Senator Thomas H. Benton of Missouri, a few days later, replied to this last-named allegation in a lengthy and elaborate speech, in which he considered the war and its causes in their historic aspect, and deliberately charged that upon the head of Calhoun rested the responsibility for the war. "Upon this evidence now given," said Senator Benton, "drawn from his public official acts alone, he [Calhoun] stands the undisputed author and architect of that calamity. History

will so write him down. Inexorable history, with her pen of iron and tablets of brass, will so write him down; and two thousand years hence, and three thousand years hence, the boy at his lessons shall learn it in the book that, as Helen was the cause of the Trojan, and Antony the cause of the Roman civil war, and Lord North made the war of the Revolution, just so certainly is John C. Calhoun the author of the present war between the United States and Mexico."

The debate disclosed the certainty of the designs of the administration and of the advocates of slavery and its extension. Although the bill to appropriate the sum of $3,000,000 was finally passed, without the amendment of the Wilmot Proviso, it was not with the same unanimity with which Congress had provided the sinews of war. The passage of this bill was almost the last act of the Twenty-ninth Congress. It was plainly the intent to annex to the domain of the United States the territory covered by California and New Mexico, and to annex it, if not distinctively as slave territory, at least unhampered by any restrictions concerning the "peculiar institution." Although our armies had been successful in the field, and the country was ablaze with enthusiasm over the victories of our arms, there was a well-settled conviction that the claims of the President, that the war had been forced upon us by Mexico, were but a pretence. It was generally understood, and this belief was intensified by the President's frank avowal a few months later, that the war had been provoked for territorial aggrandisement, in the interest of slavery. And so, although the

country had grandly met the call of the President for volunteers, and had resounded with enthusiasm at the successes of our army in the field, the administration itself had not gained in popularity. In the House of Representatives which had declared war there had been a majority of sixty of the President's political party; in that which had succeeded it that party was in a minority of eight. So potent was the feeling that it found expression in a resolution introduced in the House of Representatives, declaring that the war with Mexico was "unnecessarily and unconstitutionally begun by the President of the United States." "I concur in that sentiment," said Daniel Webster in the Senate; "I hold that to be the most recent and authentic expression of the will and opinion of the majority of the people of the United States. . . . We want no extension of territory; we want no accession of new States. The country is already large enough."

"That Congress contemplated the acquisition of territorial indemnity," frankly wrote Polk in his third annual message to Congress, in December, 1847, "when that body made provision for the prosecution of the war is obvious. Congress could not, when in May, 1846, it appropriated $10,000,000, and authorised the President to employ the militia and naval and military forces of the United States and to accept the services of fifty thousand volunteers to enable him to prosecute the war, and, when, at their last session, and after our army had invaded Mexico, they made additional appropriations and authorised the raising of additional troops for the same purpose,

have intended that no indemnity was to be obtained from Mexico at the conclusion of the war; and yet it was certain that if no Mexican territory should be acquired, no indemnity could be obtained. It is further manifest that Congress contemplated territorial indemnity, from the fact that, at their last session, an act was passed, upon the executive recommendation, appropriating $3,000,000 with that express object."

Soon after the capture of California and New Mexico, and its declaration to be United States territory, a civil government was formed, with Charles Bent as governor by appointment of the President. But the people of the region did not readily submit to the new order. On the twenty-sixth of December, 1846, Governor Bent informed the government at Washington that he had received information of a conspiracy forming among the Mexican residents to expel the troops of the United States and the civil authorities from the Territory. Less than two months later than the date of this communication, Governor Bent was assailed in his dwelling in the town of Don Fernando de Taos by a company of Indians of the Taos pueblo, aided by Mexican inhabitants of the town, and murdered with great cruelty. Lesser officials of the Territory, among them the sheriff and attorney, were also killed. Some of these officials were Americans, others Mexicans holding office under American appointment.

These murders were the signal for a general uprising against the authority of the United States, a considerable number of the insurgents marching on Santa Fé. An American military

force stationed at that place encountered the insurgent body at Cañada and La Embuda, defeating them at both places with considerable loss. The insurgents in Don Fernando were also attacked and scattered. Taking refuge in the town of Pueblo de Taos near by, they were there attacked and defeated, although strongly fortified within adobe walls. In these encounters, which occurred in January and February, 1847, the leaders of the insurgents were killed, which circumstance served to bring the insurrection practically to a close, although a guerilla warfare was kept up for some months.

The war with Mexico was not prosecuted without vigorous remonstrances on the part of those who saw in it nothing save unholy aggression against a weaker neighbour. So vigorous did these become that President Polk found it necessary to remonstrate openly against these utterances as being those of people willing to give aid and comfort to the national enemy. Notwithstanding the clamours of the opposition, the war was pushed with vigour as the best method of securing peace. With the entrance of the army of Scott into the Mexican capital, the power of Mexico's resistance was broken, and that nation succumbed to the inevitable. In September, 1847, the war was practically ended.

Annexation of the conquered and already occupied territory was now demanded. That such had been the intent of Congress, at the declaration of war, was, as we have seen, the belief of Polk. Such, certainly, had been his own intent. Annexation of a new and vast territory was in-

evitable, and the fears of the opponents of slavery were excited to the utmost. Despite the failure of the Wilmot Proviso, an attempt was made by its friends, still once more, to preserve the new Territories to freedom. On the twenty-eighth of February, 1848, Harvey Putnam, a representative from New York, introduced into the House of Representatives this preamble and resolution: —

Whereas, In the settlement of the difficulties pending between this country and Mexico, territory may be acquired in which slavery does not now exist, and whereas, Congress, in the organisation of a Territorial government, at an early period of our political history, established a principle worthy of imitation in all future time, forbidding the existence of slavery in a free Territory; therefore,

Resolved, That in any territory which may be acquired from Mexico, over which shall be established territorial governments, slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, should be forever prohibited; and that, in any act or resolution establishing such governments, a fundamental provision ought to be inserted to that effect.

The strength of the sentiment in opposition to all movements of this kind is shown in the fact that this resolution, without a word of debate, was laid on the table by a vote of 105 to 92.

In September, 1847, as already noted, the end of the war was in full view. The result had never for a moment been doubtful. The struggle had been a constant series of victories for the American arms, and Mexico saw the inevitable result. On the second of September, 1847, Nicholas P. Trist, chief clerk of the Department

of State, who had been commissioned by President Polk to proceed to Mexico and attempt to negotiate a peace, met the commissioners of Mexico appointed for a like purpose. The demands of the United States, as the basis upon which a peace would be granted, were greater than Mexico would at first accept, and Mr. Trist's mission failed, and he was recalled. A temporary armistice was granted, but this was soon broken by Mexico, and hostilities were resumed in a desultory manner. On the twenty-second of November, 1847, Mexico formally signified its desire for peace, and negotiations for a treaty were resumed. As before, Mr. Trist represented the United States in the negotiations; the commissioners on behalf of Mexico were Don Luis Gonzaga Cuevas, Don Bernardo Conto, and Don Miguel Atristam.

Exactly three months later President Polk submitted to the Senate for its consideration, with a view to its ratification, a treaty of peace, friendship, limits, and settlement. This had been signed at the city of Guadalupe Hidalgo, on the second day of February. Although in its main feature — which accomplished the cession of California and New Mexico to the United States — the wishes and desires of President Polk and the southern party in Congress were fulfilled, in some minor points the views of the administration and, as it proved, of Congress also, were not met. The treaty was, therefore, ratified, with amendments, and the President appointed a board of commissioners, consisting of Hon. Ambrose H. Sevier, a senator of the United

States for Arkansas, and Hon. Nathaniel Clifford of Maine, his attorney-general, to proceed to Mexico, explain to the Mexican government the effect of the amendments proposed to the treaty, and endeavour to procure its ratification as amended. The somewhat unusual proceeding of appointing new commissioners to negotiate these supplementary proceedings, although Mr. Trist was still in Mexico, is explainable when the extraordinary conduct of that gentleman is recalled. It will be remembered that, failing in the negotiation of a treaty in September, 1847, the commissioner had been recalled. He, however, did not return, but remained in Mexico, still assuming the character of a commissioner to negotiate a treaty, and awaiting developments. That he had been recalled was perfectly well known to the Mexican government. When, therefore, in November, it proceeded to negotiate a treaty with him as a commissioner of the United States, Mexico committed the extraordinary irregularity of negotiating that important document with a person empowered with no authority from the government which he assumed to represent. When, in February, 1848, Mr. Trist forwarded to Secretary of State Buchanan the draft of a treaty of peace and settlement between the United States and Mexico, signed by himself as a duly authorised commissioner, President Polk was not a little annoyed and somewhat disposed to repudiate it. He perceived, however, that, by the terms of the treaty, the chief object for which the war had been waged had been accomplished, and he realised that, however technically faulty

might be the treaty, in the view of the United States it had, beyond doubt, been signed by the Mexican commissioners in entire good faith. Justice to Mexico, therefore, required that Mr. Polk should overlook the impudence of his former commissioner, and accept the treaty as regularly executed.

The commissioners proceeded to the city of Querétaro, then the seat of the Mexican government, and at once laid the amended treaty before it. It was the fifth of May, 1884, when Messrs. Sevier and Clifford reached Querétaro. On the same day the amended treaty was submitted to the Mexican Senate, and it was ratified by a vote of 33 to 5. A protocol, embodying the amendments proposed by the Senate of the United States, was executed, and the formalities by which peace had been obtained, and a large tract of territory added to the federal Union, were concluded.

In the message of President Polk, already quoted, it was made plain that, in any settlement of the existing difficulties with Mexico, it was the design of the administration to demand a territorial indemnity. In the progress of the discussion upon the three million bill, it had been suggested by both Cass and Calhoun that if in any cession of territory to be demanded as the price of peace, its value should exceed the amount of a suitable indemnity, the difference should be paid to Mexico in cash. It was for this purpose that the appropriation of $3,000,000 was made. By the twelfth article of the Treaty of Guadalupe Hidalgo, the United States engaged to compensate Mexico — presumably the excess of valuation

of the territory ceded, above a fair indemnity, in the sum of $15,000,000. The $3,000,000 placed in the hands of the executive by the act of March 3, 1847, was at once employed in making the first cash payment to Mexico, in liquidation of this obligation thus assumed. The remaining $12,000,000 was engaged to be paid in four equal annual instalments, with interest at the rate of six per cent per annum.

On the thirtieth day of May, 1848, at Querétaro, the ratifications of the treaty were formally exchanged, and the first instalment of the payment agreed upon was soon after paid at the City of Mexico. At six o'clock in the morning of the twelfth day of June, 1848, the flag of the United States, which had been raised over the castle of Chapultepec by a victorious army, was formally lowered and the colours of Mexico were restored to their staff, amid salutes to both. The army of the United States was at once withdrawn, and Mexico, with lessened domains, was once more at peace. On the fourth day of July, 1848, the proclamation of President Polk formally brought to a close the Mexican War.

Fifty years have passed; the verdict of history has been made up. The attitude of Calhoun, the high priest of slavery, was undisguised. It was his wish, at the beginning of the war, that events should so shape themselves that its result would be territorial aggrandisement, and for the purpose of strengthening the slave power in the country. The behest of that power was obeyed by our commissioner who negotiated the treaty of peace. The Mexican constitution prohibited slavery, and

this prohibition was the true cause of the revolt of Mexico's province of Texas. When, during the progress of the peace negotiations, the Mexican commissioners moved for the insertion of an article which should provide that the territory to be ceded should remain forever free, Commissioner Trist steadily refused to entertain such a proposition. "If," he declared, "the territory should be increased tenfold in value," — so wrote Trist to James Buchanan, — "and, besides, covered all over a foot thick with pure gold, on the single condition that slavery should be excluded therefrom, the proposition would not be entertained, nor would I think for a moment of communicating it to the President."[1]

The newly acquired territory proved of immense commercial value to the United States, as bringing under its control a large extent of coast bordering upon the Pacific Ocean, with two important seaports. Its mineral wealth, barely suspected when annexation occurred, was speedily developed. Its agricultural riches, a possibility of the future then unsuspected, added immensely to the wealth and resources of the country. The advantages to the nation which have accrued from this territorial acquisition have been incalculable. The fears of the opponents of the annexation proved groundless; the desires and aspirations of its promoters proved fruitless, for no portion of the newly acquired territory ever proved available for the extension of slavery.

The territory acquired by the Mexican cession comprised the region now covered by the States

[1] Rhodes, I, 93; Von Holst, III, 334; Henry Wilson, II, 26.

of California, Nevada, and Utah, the southwestern portion of Wyoming; Colorado, west of the Rocky Mountains; and Arizona and New Mexico, north of the Gila and west of the Rio Grande. In all it comprised 522,568 square miles. Its cost to the national government was $15,000,000.

California at the time of its annexation to the United States was sparsely settled. By the census of 1850, two years after annexation, it had less than 100,000 inhabitants. No formal ceremonies of transfer of sovereignty were held, since at the ratification of the treaty of cession and the declaration the entire region ceded was held by the United States by military occupation. Until the time of the admission of California to the Union as a State, this military occupation and control continued, with General Benet Riley as military governor. No territorial government was ever formed, although various bills to that effect were introduced into Congress by John M. Clayton, Caleb B. Smith, and others. In September, 1849, the military governor summoned a constitutional convention to meet at Monterey. This convention continued in session from September 1 to October 13. The constitution then adopted was ratified by the people, November 13, 1849, by an almost unanimous vote. State officers were elected and a government formally organised, to which the military governor surrendered his authority on the twentieth of December, 1849. On the ninth day of September, 1850, after a warm agitation of the question of the extension of slavery into California, an act was passed by Congress, by virtue of which the State organisa-

tion adopted by the people was recognised, and California was admitted as a State in the federal Union. On the same day the remaining portion of the ceded territory was divided into two portions and territorial governments provided for each, under the names of Utah and New Mexico, the first including the region now covered by the States of Utah and Nevada; the second that now comprised in the present territories of New Mexico and Arizona.

CHAPTER VI

OREGON

On the fourth day of March, 1845, James K. Polk was inaugurated President of the United States. His attitude in the matter of Texas annexation, or, as he preferred to call it, "re-annexation," has been already discussed. Coeval with that important question, concerning which public opinion was so seriously divided, was another of equal importance and which evoked scarcely less animated and earnest public discussion. The controversy upon what came to be known as the "Oregon Question," although serious and long continued, was devoid of that bitterness of sectional antagonism which characterised the Texas dispute. This was a question largely of international importance. Wars have been fought between peoples upon slighter pretexts and for less important causes than that which involved the establishment of our northwest boundary line. Nor was this a dispute of recent origin, which arose to make the administration of Polk one of the most important in the history of our country. "I shall, on the broad principle which formed the basis and produced the adoption of our Constitution," said the President in his inaugural address, "and not

in any narrow spirit of sectional policy, endeavour by all constitutional, honourable, and appropriate means to consummate the expressed will of the people and government of the United States, by the re-annexation of Texas to our Union, at the earliest practicable period. Nor will it become my duty, in a less degree, to assert and maintain by all constitutional means the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of the Oregon is 'clear and unquestionable,' and already are our people preparing to perfect that title by occupying it with their wives and children. But eighty years ago our population was confined on the west by the ridge of the Alleghanies. Within that period — within the lifetime, I might say, of some of my hearers — our people, increasing to many millions, have filled the eastern valley of the Mississippi, adventurously ascended the Missouri to its headsprings, and are already engaged in establishing the blessings of self-government in valleys of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them adequately, wherever they may be upon our soil. The jurisdiction of our laws and the benefits of our republican institutions should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the States, of which the formation in that part of our territory cannot long be delayed, within the sphere of our federative Union. In the meantime every

obligation imposed by treaty or conventional stipulations should be sacredly respected."

Mr. Polk's quotation, in the early part of this passage, suggests that the "Oregon Question" was no discovery of his own. He was but reiterating the utterances of his political party, made in the "platform" adopted by the convention, which had presented his name as a candidate for the presidency. But even this was not the first which the country had heard of the "Oregon Question."

The Treaty of Ghent, which was a treaty of peace and amity, concluded at the close of the second war between the United States and Great Britain, known as the War of 1812, provided that "all territory, places, and possessions whatsoever, taken by either party from the other during the war, . . . shall be restored without delay." The word "possessions," contained in this clause of the treaty, was claimed, years after, on the floor of the Senate, by Henry Clay — who was one of the commissioners who aided in framing the convention — to have been inserted at his suggestion. His reason for this insistence, Senator Clay explained, was his full belief at that time in the claim of the United States to the Oregon country. The town of Astoria, a settlement made by John Jacob Astor, an American citizen, had been seized by the British forces. In stipulation of the mutual surrender by the two countries, of places taken during the war, this word "possessions" was introduced as descriptive of "the hold which we had on the Oregon country prior to the war."

Let us consider for a moment "the hold which

we had on the Oregon country prior to the war." The story, to discover its beginnings, must be traced backward into the latter part of the eighteenth century. Captain Robert Gray of Rhode Island was the first citizen of our country to carry the American flag around the world. As captain of the ship *Columbia*, owned by a company of Boston merchant adventurers, he visited, in the year 1792, the northwest coast of our country. It was a voyage for trading rather than for discovery and exploration; and yet having heard a rumour of a great river which, at some point in this region, discharged its waters into the sea, he resolved to find it. In this he was successful, and entering the mouth of the river, he explored it for several miles toward its source. Then making a landing, he formally took possession of the country in the name of the United States, raised the flag, and gave to the river the name of his vessel, the Columbia.

No claim has ever been made that Captain Gray was not the first and original discoverer of the Columbia River, and that he did not, as related, claim the country in the name of the United States. It is undoubtedly true that an English vessel, commanded by Captain Vancouver, — who followed information given him by Gray, — entered the river soon after the latter's visit, and explored the stream to the head of navigation. He probably explored also the tributary stream, the Willamette. Later, when Great Britain sought for a basis of a claim to the region, the claim was set up that, although Gray's discovery was prior to that of Vancouver's, yet the latter made a more complete and extensive exploration. Captain Gray's claim

— so was the British contention — was limited to the region about the mouth of the river, whereas that of Captain Vancouver was more comprehensive, and hence more important and far-reaching.

The first and most powerful of the American claims to the sovereignty of the Oregon region, then, was that of original discovery and exploration. The second was that of purchase from France, in the year 1803, as a portion of the Louisiana territory. The region purchased by the terms of the Louisiana treaty was the same which France had ceded to Spain in 1762, and had received back, by the secret treaty of San Ildefonso, in the year 1800. It was then ceded to France, "with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States." By the treaty of 1803 this region was ceded by France to the United States, "with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic."

The boundaries of this vast territory, as indicated by the terms of these treaties, are vague. Chief Justice Marshall regarded the French treaty as couched, so far as concerns its identification of boundaries, in terms of "studied ambiguity." They were, early in the present century, regarded by the government as extending beyond the Rocky Mountains to the Pacific coast, and including the present States of Washington, Oregon, and Idaho. The tenor of Jefferson's letter of instructions to Monroe and Pinckney indi-

cates, however, a disinclination to set up a claim to boundaries extending to the Pacific, lest thereby the jealousies of Spain should be aroused; and Talleyrand, when urged by Pinckney to be more explicit in identifying the boundaries of the region to be ceded, evasively replied, "You get all that France had by Ildefonso; it is a great bargain." Up to the year 1898 the claim of the American government to some title to Oregon, acquired through the Louisiana Purchase, was persisted in, and public documents and maps issued by the general land-office maintained it. So also with the lesser historians and compilers of school histories. This view, however, is opposed by the historian McMaster;[1] and in 1898 it was definitely abandoned by the general land-office, the commissioner, Hon. Binger Hermann, publishing an elaborate treatise, in which the view of McMaster was adopted.

If, then, the American claim to the sovereignty of Oregon, as included in the Louisiana Purchase, must be abandoned, the second claim is to be based upon the explorations of 1805. While the country was discussing the vexed problem which had arisen from the denial by Spain of the right of deposit at New Orleans, President Jefferson made a proposition which was both interesting and startling. In a special message to Congress, on the eighteenth of January, 1803, President Jefferson said:—

"While the extension of the public commerce among the Indian tribes may deprive of that source of profit such of our citizens as are en-

[1] McMaster, II, 633.

gaged in it, it might be worthy the attention of Congress in their care of individual as well as of the general interest, to point in another direction the enterprise of these citizens, as profitably for themselves and more usefully for the public. The river Missouri and the Indians inhabiting it are not as well known as is rendered desirable by their connection with the Mississippi, and consequently with us. It is, however, understood that the country on that river is inhabited by numerous tribes, who furnish great supplies of furs and peltry to the trade of another nation, carried on in a high latitude, through an infinite number of portages and lakes, shut up by ice through a long season. The commerce on that line could bear no competition with that of the Missouri, traversing a moderate climate, offering, according to the best accounts, a continued navigation from its source, and possibly with a single portage from the Western Ocean, and finding to the Atlantic a choice of channels through the Illinois or Wabash, the Lakes and Hudson, through the Ohio and Susquehanna, or Potomac or James rivers, and through the Tennessee and Savannah rivers. An intelligent officer, with ten or twelve chosen men, fit for the enterprise and willing to undertake it, taken from our posts where they may be spared without inconvenience, might explore the whole line, even to the Western Ocean, have conferences with the natives on the subject of commercial intercourse, get admission among them for our traders as others are admitted, agree on convenient deposits for an interchange of articles, and return with the information acquired,

in the course of two summers. Their arms and accoutrements, some instruments of observation, and light and cheap presents for the Indians would be all the apparatus they could carry, and with an expectation of a soldier's portion of land on their return, would constitute the whole expense. Their pay would be going on whether here or there. While other civilised nations have encountered great expense to enlarge the boundaries of knowledge by undertaking voyages of discovery, and for literary purposes, in various parts and directions, our nation seems to owe to the same object, as well as to its own interests, the exploration of the only line of easy communication across the continent, and so directly traversing our own part of it. The interests of commerce place the principal object within the constitutional powers and care of Congress, and that it should incidentally advance the geographical knowledge of our own continent cannot but be an additional gratification. The nation claiming the territory, regarding this as a literary pursuit, which it is in the habit of permitting within its dominions, would not be disposed to view it with jealousy, even if the expiring state of its interests there did not render it a matter of indifference. The appropriation of $2500 'for the purpose of extending the external commerce of the United States,' while understood and considered by the executive as giving the legislative sanction, would cover the undertaking from notice and prevent the obstructions which interested individuals might otherwise previously prepare in its way."

This was the inception of the famous "Lewis and Clark expedition," a government exploration, headed by Meriwether Lewis and William Clark. "These gentlemen," says Washington Irving in "Astoria," "in 1804 accomplished the enterprise which had been projected by Carver and Whitworth in 1774. They ascended the Missouri, passed through the stupendous gates of the Rocky Mountains, hitherto unknown to white men; discovered and explored the upper waters of the Columbia, and followed that river down to its mouth, where their countryman Gray had anchored about twelve years previously. Here they passed the winter, and returned across the mountains in the following spring. The reports published by them of their expedition demonstrated the practicability of establishing a line of communication across the continent, from the Atlantic to the Pacific Ocean."[1]

Upon the explorations of Lewis and Clark are based, then, the second substantial claim of the United States to the sovereignty of the Oregon region. The third is found in the actual settlement of the region by citizens of the United States, at Astoria, in 1811. This was, as is well known, a fur-trading post; but it was entitled to the protection of the United States, as surely as was the fur-trading post of Roger Williams at Narragansett, in the seventeenth century, entitled to the protection of the King of England, as surely as were the fur-trading posts of the Hudson Bay Company entitled to British protection. During the War of 1812 the town of Astoria

[1] Irving, Kinderhook Ed., VII, 62.

was captured and held by British forces, intent, no doubt, upon the discouragement of an enterprise which bade fair to be a formidable rival to the operations of the Hudson Bay Company. The provision of the Treaty of Ghent, that all territory, places, and possessions whatsoever, taken by either party from the other, during the war, should be restored without delay, was understood by the American commissioners, and especially by Henry Clay, as we have already seen, to refer especially to Astoria, as representing the Oregon country.

The fourth item in the claim of the United States to the Oregon country is found in the Florida treaty with Spain. "The boundary line between the two countries west of the Mississippi," says Article III of this treaty, "shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River, and running thence by a line due north to the river Arkansas; thence following the course of the southern bank of the Arkansas to its source, in latitude forty-two north, and thence by that parallel of latitude to the South Sea."[1] By the terms of this article all the claims of Spain,

[1] By the term "South Sea" is undoubtedly meant the Pacific Ocean.

whether distinct or vague, to the region north of the forty-second degree of north latitude which had been recognised by the Nootka Convention of 1790 were surrendered to the United States. That the territory to the southward of this parallel was under the undisputed sovereignty of Spain, until it became a portion of free Mexico, is unquestioned. This item of the claim is strengthened by the provisions of the treaty between the United States and Mexico in 1828, whereby that nation acquiesced in the boundary line as established by the Florida treaty.

These, then, are the items of the "clear and unquestionable" title of the United States to the Oregon country. The claims which may have been held by France, shadowy as they were, were extinguished in its various cessions to Spain, and in its cession to the United States. After the conclusion of the Florida treaty, Spain made no pretence of a claim to this region. Great Britain was the only nation which could pretend to a claim to the country, and this pretence was based wholly upon the re-discovery of Vancouver, the capture of Astoria, — a claim extinguished by the Treaty of Ghent, — and the encroachments of the Hudson Bay Company, which was rapidly pushing its settlements toward the northern boundary of California.

The boundary line between the United States and Canada had been fixed by treaty at the forty-ninth parallel of north latitude, this fixed line ceasing, however, at the Rocky Mountains. Beyond that barrier the claims of the respective countries were left unadjudicated. By the treaty

of 1818 with Great Britain it was "agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years, from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of said country; nor shall it be taken to affect the claims of any other power or state to any part of said country, the only object of the high contracting parties in that respect being to prevent disputes and differences amongst themselves."

By a convention signed August 6, 1827, this article of the treaty of 1818 was indefinitely extended and continued in force; but it was made competent for either party to abrogate it by giving twelve months' notice at any time after October 20, 1828. It is evident from these provisions that, even at this early day, England was looking forward to the time when she would assert her claim to the Oregon region; and it is equally evident that the government of the United States was far more apathetic in this matter than was that of Great Britain.

There came a day, however, when certain American statesmen awoke to the value of this great region and to the danger of its absorption by England. The two great British fur-trading

companies, the Northwest Fur Company and the Hudson Bay Company, had formed a coalition, in the year 1821, and the vast company was now more than ever aggressive. This aggressiveness at length became so evident that in February, 1838, Senator Linn of Missouri introduced into the United States Senate a bill authorising the formal occupation of the Columbia or Oregon River, establishing a Territory north of latitude forty-two degrees and west of the Rocky Mountains, to be called Oregon Territory; authorising the establishment of a fort on that river, and the occupation of the country by the military forces of the United States; establishing a port of entry, and requiring that the country should be held subject to the revenue laws of the United States. In offering this bill, Senator Linn declared that there was every reason to apprehend that, if this Territory should be neglected, in the course of five years it would pass from our possession. Henry Clay, in discussing the admission of this bill, said that the country had been taken possession of by Great Britain, in contravention of the Treaty of Ghent. It had been agreed that all "possessions," seized by either nation during the war, should be mutually given up; and yet Great Britain had failed to remove its hand from Astoria and the Oregon region.

James Buchanan discussed the matter from the viewpoint of a statesman, but with characteristic timidity. He declared that the time was now come when we ought to assert our right to the Oregon country, or abandon it forever. "We know," he said, "by information received from an

agent of the government, that the Hudson Bay Company is establishing forts in that quarter, cutting down the timber and conveying it to market, and acquiring the allegiance of the Indian tribes; and while the Company has been thus proceeding, we have patiently looked on, during a long period of years. Our right ought now to be asserted; but it should be done in a prudent and delicate manner. We are obliged by the treaty to give a year's notice. The time has arrived to settle the question, and there are too many such questions unsettled with the British government already. While we should be careful to violate no treaty stipulations, we ought promptly to assert our right to this country."

The bill appears to have gone no farther than its introduction, Congress continuing its strange apathy on this important subject. Neither Clay nor Buchanan, as earnest as they assumed to be, moved farther in the matter. But Senator Linn appears not to have been lacking in interest upon the subject. In January, 1839, he again brought the matter forward and, appearing as the sponsor of the American settlers of Oregon, presented in the Senate a memorial signed by J. L. Whitcomb and thirty-five others, praying for the recognition and protection of the United States. The memorial is of such dignity and so well reveals the social conditions in Oregon at this time that it is inserted here: —

"The undersigned, settlers south of the Columbia River, beg leave to represent to your honourable body that our settlement begun in the year 1732 has hitherto prospered beyond the

most sanguine expectations of its first projectors. The products of our fields have amply justified the most flattering descriptions of the fertility of the soil, while the facilities which it offers for rearing cattle are, perhaps, exceeded by those of no country in North America. The people of the United States, we believe, are not generally apprised of the extent of valuable country west of the Rocky Mountains. A large portion of the territory of the Columbia River, south, to the boundary line of the United States and the Mexican Republic, and extending from the coast of the Pacific about two hundred and fifty or three hundred miles to the interior, is either well supplied with timber or adapted to pasturage or agriculture. The fertile valleys of the Willamette and Umpqua are varied with prairies and woodland, and intersected by abundant lateral streams, presenting facilities for machinery. Perhaps no country of the same latitude is favoured with a climate so mild. The winter rains, it is true, are an objection; but they are generally preferred to the snows and intense cold which prevail in the northern parts of the United States. The ground is seldom covered with snow, nor does it ever remain but a few hours.

"We need hardly allude to the commercial advantages of the Territory. Its happy position for trade with China, India, and the western coasts of America will be readily recognised. The growing importance, however, of the islands of the Pacific is not so generally known or appreciated. As those islands progress in civilisation, their demand for the produce of more northern climates

will increase. Nor can any country supply them with beef, flour, etc., on terms so advantageous as this. A very successful effort has recently been made at the Sandwich Islands, in the cultivation of coffee and the sugar-cane. A colony here will, in time, thence easily derive these articles, and other tropical products, in exchange for the products of their own labour.

"We have thus briefly alluded to the natural resources of the country, and to its external relations. They are, in our opinion, strong inducements for the government of the United States to take formal and speedy possession. We urge this step as promising to the general interest of the nation. But the advantages it may confer upon us, and the evils it may avert from our posterity, are incalculable. Our social intercourse has thus far been prosecuted with reference to feelings of honour, to the feeling of dependence on the Hudson's Bay Company, and to their moral influence. Under this state of things we have thus far prospered, but we cannot hope that it will continue. The agricultural and other resources of the country cannot fail to induce emigration and commerce. As our settlement begins to draw its supplies through other channels, the feeling of dependence on the Hudson's Bay Company, to which we have alluded as one of the safeguards of our social intercourse, will begin to diminish. We are anxious, when we imagine what will be, what must be, the condition of so mixed a community, free from all legal restraints, and superior to that moral influence which has hitherto been the pledge of our safety.

"Our interests are identified with those of the country of our adoption. We flatter ourselves that we are the germ of a great State, and are anxious to give an early tone to the moral and intellectual character of its citizens. We are fully aware, too, that the destinies of our posterity will be intimately affected by the character of those who emigrate to the country. The Territory must populate. The Congress of the United States must say by whom. The natural resources of the country, with a well-judged civil code, will invite a good community. But a good community will hardly emigrate to a country which promises no protection for life or property. Inquiries have already been submitted to some of us for information of the country. In return, we can only speak of a country highly favoured of nature. We can boast of no civil code. We can promise no protection but the ulterior resort of self-defence. By whom, then, shall our country be populated? By the reckless and unprincipled adventurer; not by the hardy and enterprising pioneer of the West? By the Botany Bay refugee, by the renegade of civilisation from the Rocky Mountains, by the profligate, deserted seaman from Polynesia, and the unprincipled sharpers from Spanish America? Well are we assured that it will cost the government of the United States more to reduce elements so discordant to social order than to promote our permanent peace and prosperity by a timely action of Congress. Nor can we suppose that so vicious a population could be relied on, in case of a rupture between the United States and any other power.

"Our intercourse with the natives among us, guided much by the same influence which has promoted harmony among ourselves, has been generally pacific. But the same causes which will interrupt harmony among ourselves will also interrupt our friendly relations with the natives. It is, therefore, of primary importance both to them and to us, that the government should take energetic measures to secure the execution of all laws affecting Indian trade, and the intercourse of white men and Indians. We have thus briefly shown that the security of our persons and our property, the hopes and the destinies of our children, are involved in the objects of our petition. We do not presume to suggest the manner in which the country should be occupied by the government, nor the extent to which our settlement should be encouraged. We confide in the wisdom of our national legislators, and leave the subject to their candid deliberation."

This urgent appeal from American settlers in Oregon, which bore date of March 16, 1838, appears to have produced little effect upon the minds of the members of Congress. Beyond its formal reference to a committee, no attention appears to have been paid to this important memorial. This vast, rich, fertile country, from which have since been carved three noble States, was scorned even by the greatest statesmen; while the amicable relations between the country and Great Britain were upon the verge of rupture, in a dispute over the ownership of a trifling tract of stony, unfruitful country, on the borders between Maine and New Brunswick. In the same year in which this

dignified and important memorial was presented in the Senate of the United States, and buried in the pigeon-holes of a committee, armed men of the State of Maine were patrolling the line claimed to be the New Brunswick border, and erecting forts thereon, while the legislature of that State was appropriating moneys for the defence of a strip comprising a few hundred acres of soil.

"What do we want with the vast, worthless area," exclaimed Daniel Webster, "this region of savages and wild beasts, of deserts, of shifting sands and whirlwinds of dust, of cactus and prairie dogs? To what use could we ever hope to put these great deserts, or these endless mountain ranges, impenetrable, and covered to their base with eternal snow? What can we ever hope to do with the western coast, a coast of three thousand miles, rock-bound, cheerless, and uninviting, and not a harbour on it? What use have we for such a country? Mr. President, I will never vote one cent from the public treasury to place the Pacific coast one inch nearer to Boston than it is now."

In December, 1839, Senator Linn again brought the Oregon question to the attention of the Senate, in a series of resolutions, affirming the claim of the United States to the Territory of Oregon as indisputable, and requesting the President to give the required one year's notice to the British government of the abrogation of the third article of the treaty of 1818, and its extension by the treaty of 1827; and authorising the military occupation of the Oregon Territory and the extension of the laws of the United States over it. Like their

predecessors, these resolutions were never brought to vote, or even to debate, in the Senate, and the matter remained in abeyance for more than a year before a fresh movement was made in Congress. In January, 1841, Senator Linn again brought it to the attention of the Senate, in a resolution authorising the adoption of measures for the occupation and settlement of Oregon and for extending certain portions of the laws of the United States over that territory. In advocating this measure Senator Linn explained the interregnum of silence upon the Oregon question, by the statement that when this bill was up for discussion, at the preceding session of Congress, he was induced to forbear urging it, during the pendency of negotiations with Great Britain for the adjustment of another question, lest the settlement of these matters should be embarrassed. He believed that the British government would never amicably settle a question like this. England, pending the negotiations at Ghent, he said, had been willing to purchase this country; but since that time she had made progress in territorial encroachment, until she now presented to the world a claim of great importance, where she had not even a shadow of right, and such would be the case at every point of the contest with Great Britain. The British had extended their possessions step by step, from the extreme branch of the Columbia River to the Pacific Ocean. The Hudson Bay Company was introducing emigrants from Great Britain by way of Cape Horn; they had brought shepherds and placed them on farms. They had erected British forts and pushed their establish-

ments south to California and on the east to the Rocky Mountains. By act of Parliament a portion of the criminal law was extended up to the very confines of Arkansas and Missouri.

But the execution of the Ashburton treaty being still pending, Senator Linn's resolutions went no farther than a reference to a committee; and a delay of still a year further was made before the subject was once more broached. In the meantime the Ashburton treaty, which had settled the vexed question of the boundary lines upon the northeast, had been signed, on the ninth of August, 1842. All controversy over boundaries, from the river St. Croix through the Great Lakes to the Rocky Mountains, at the forty-ninth parallel of north latitude, was now at an end, and the way was clear for an adjustment of the long-discussed Oregon question, without fear of its admixture with other matters. On the twenty-third of December, 1842, Senator Linn introduced in the Senate a resolution, which shows that diplomatic discussion with Great Britain was secretly in progress. This resolution requested of President Tyler information concerning some somewhat vague allusions made in a special message to Congress, under date of August 11, 1842. This message, bearing date two days later than that of the signing of the Ashburton treaty, informed the Senate and the country of the terms of this convention and submitted it for ratification.

"After sundry informal communications with the British minister," said President Tyler, "upon the subject of the claims of the two countries to territory west of the Rocky Mountains, so little

probability was found to exist of coming to any agreement on that subject at present that it was not thought expedient to make it one of the subjects of formal negotiation to be entered upon between this government and the British minister as part of his duties under his special mission."

The resolution introduced by Senator Linn desired of the President to inform the Senate of the nature and extent of the "informal communications" which had been held between the American Secretary of State and Lord Ashburton during the late negotiations in the city of Washington; and also the reasons which prevented "any agreement on that subject at present," and which made it "inexpedient" to include that subject among "the subjects of formal negotiation."

President Tyler replied promptly to this request of the Senate in a special message. "In my message to Congress at the commencement of the present session," writes the President, "in adverting to the territory of the United States on the Pacific Ocean north of the forty-second degree of north latitude, a part of which is claimed by Great Britain, I remarked that 'in advance of the acquirement of individual rights to these lands, sound policy dictates that every effort should be resorted to by the two governments to settle their respective claims'; and also stated that I should not delay to urge on Great Britain the importance of an early settlement. Measures have been already taken in pursuance of the purpose thus expressed, and under these circumstances I do not deem it consistent with the

public interest to make any communication on the subject."

This correspondence shows, beyond question, that Lord Ashburton regarded the Oregon question as a matter of such serious moment, so difficult and delicate, as to require a special commission and convention for its solution. The message of President Tyler just quoted suggests also that the executive was ignorant of the extent and importance of the American settlements in the Oregon country, and this despite the Whitcomb memorial of four years before. The President's opinion of the importance of this country had doubtless been affected by the utterances of Daniel Webster, then Secretary of State, before quoted, and the strong opposition which that statesman had developed to the extension of our domains beyond the Rocky Mountains. There is reason to believe that Mr. Webster had had a personal interview with Governor Simpson, of the Hudson Bay Company, who had assured him that the Oregon country was worthless for agriculture, and that it was valuable only for its furs.

But now comes upon the scene a unique character, one of the most remarkable which our country, or the world even, has ever seen. It is a man, rough-bearded, clad in skins, bearing upon his clothing and his person the marks of long and severe travel. He is standing before President Tyler and his Secretary of State, Daniel Webster, and pleading for the extension of the dominion of the United States over the country of Oregon. In response to the direct appeal of the Flathead Indians, that religious teachers should

be sent to them, in the year 1834 a party of missionaries had been sent out by the Missionary Society of the Methodist Episcopal Church. They were followed in the succeeding year by a company, under the auspices of the American Board of Commissioners for Foreign Missions, among whom was Dr. Marcus Whitman. He it was who saw the vast possibilities of the Oregon country. He recognised the fertility of its soil, the mildness of its climate, and its boundless resources, even as had Whitcomb and his fellow-memorialists. He witnessed the constant aggressions of the Hudson Bay Company, and saw and heard it openly boasted that it was the intent of Great Britain to gain possession of this vast, fertile region through colonisation. He found that it was the understanding among the settlers of Oregon, both American and British, that a proper interpretation of the treaties of 1818 and 1827 would give this country into the control of whichever of the two nations should settle and organise it. There was, it is true, an American settlement at Astoria, and in 1834 Salem was founded, and mission stations were scattered in various parts of the country. But American settlement in this region was but slow; while British colonists, urged by the Hudson Bay Company, were rushing in numbers to occupy the land.

In 1842 a company of American settlers, comprising men, women, and children, numbering 120 persons, came to settle in Oregon. The company was led by General Amos L. Lovejoy, who brought the news that Lord Ashburton had come as a spe-

cial envoy from Great Britain for the purpose of negotiating a treaty, in adjustment of the boundary-line disputes between the two countries. We of to-day know that the Ashburton treaty by its terms fixes only the boundary lines between the United States and the British dominions from the river St. Croix to the Rocky Mountains, but no farther. It was the belief, however, of the Oregon settlers that this treaty, when it should be consummated, would settle also the dispute concerning the Oregon country; and, in consequence of this belief, a great excitement prevailed among them. Dr. Whitman felt that a crisis had arrived, and that, unless some energetic measures were taken, the Oregon country would be lost to the United States. In pure disinterested patriotism, the resolve which he made, and which he carried into effect, the world has shown few parallels. He resolved to go to Washington and urge upon the President the importance of saving this magnificent country to the nation. "I will do what I can to save Oregon to the country," said he. "My life is but little worth if I can save this country to the American people."

The stupendous nature of the undertaking can scarcely be conceived. Winter was approaching and would be upon him before he would have traversed one-third of his journey. Railways, with warmed and lighted parlour cars, were then unknown. Whitman had no means of conveyance over his journey of four thousand miles save mules and saddles. Plains were to be traversed, streams forded, mountains crossed. There was danger from wild beasts and from savage men,

from storm and flood, from stream and precipice. But his mind once established in duty, Whitman did not falter, but determined to go. A few days before the day fixed for his departure he visited Fort Walla Walla, a trading-post of the Hudson Bay Company, to purchase some articles needed for his long journey. Here he met a party of Englishmen, and with them an express messenger, recently arrived from a point three hundred and fifty miles up the Columbia. This man had brought the intelligence that a colony of one hundred and forty Englishmen and Canadians was on the road to make a settlement in Oregon. The fort was greatly excited and elated at this intelligence, and the people made no secret of their joy, even in the presence of an American. A young priest, unable to repress his exultation, shouted: "Hurrah for Oregon! America is too late, we have got the country!"[1]

The intelligence but served to increase the enthusiasm and determination of Whitman. He must and would go to Washington. He must reach the capital and secure the attention of the President before the Ashburton treaty should be signed. Accompanied only by General Lovejoy, a guide, and two or three Indian followers, mounted on horseback and with provisions loaded upon three pack-mules, on the third of October, 1842, Dr. Whitman set out upon his long and dangerous journey. The story of this journey is a tale of hardship and suffering, of tremendous courage, of admirable perseverance and unyielding will. Through the cold and snow, over

[1] Nixon's "How Marcus Whitman saved Oregon," 106.

mountain peak and across valley and cañon and through torrents, the little party made their way.

After weeks of weary travel, meeting with many dangers and great hardship, Dr. Whitman reached St. Louis, having left General Lovejoy at Bent's Fort on the Arkansas River. Here he learned that the Ashburton treaty had been signed, on the ninth of the preceding August, two months before the little company had left Oregon. But he was gratified to learn that the treaty had not alluded to the Oregon boundary question, and that the matter still remained open. He was not too late. He pushed forward toward Washington by stage-coach and reached the capital of the nation on the third of March, 1843, exactly five months from the day of departure from Oregon. He hesitated not a moment, but, clad as he was in his well-worn fur and leather garments, he presented himself at the executive mansion and sought an audience with the President of the United States. President Tyler and Secretary of State Webster at once granted him an audience. Not one but many interviews followed between Dr. Whitman and the members of the government, in all of which the former hesitated not to urge strongly that the provisions of the treaties of 1818 and 1827 should be terminated. For many months the belief had been prevalent throughout the country that negotiations were on foot with Great Britain for an exchange of our interests in Oregon for a control of the fisheries of Newfoundland. Alluding to this report, Dr. Whitman, in his enthusiasm, exclaimed to Secretary Webster, "Mr. Secretary, you had

better give all New England for the cod and mackerel fisheries of Newfoundland than to barter away Oregon."

"But," Webster is reported to have argued, "Oregon is shut off by impassable mountains and a great desert, which makes a wagon road impossible."

"Mr. Secretary," responded Whitman, "that is the grand mistake that has been made by listening to the enemies of American interests in Oregon. Six years ago I was told that there was no wagon road to Oregon, and that it was impossible to take a wagon there; and yet in spite of pleadings and almost threats I took a wagon over the road and I have it now."

Reiterating the statements made in the Whitcomb memorial of five years before, Whitman described in glowing terms the country of Oregon, its fertile soil, its climate, its boundless possibilities. He asked for nothing for himself; he only pleaded that this vast and rich region, the possession of which would add so materially to the wealth and the honour of the nation and the glory of the flag, should not be abandoned to British settlement. He made but one request, — that American interests in Oregon should not be abandoned until he should have had an opportunity to lead a large company of settlers across the mountains and into the country. This he promised to do, and relying upon this promise, President Tyler made the agreement which his visitor urged.[1]

[1] The author is not unaware that an iconoclastic attempt has recently been made to relegate the entire story of Whitman's ride and mission to the realm of fable.

The arrival of Dr. Whitman at Washington had been opportune. Even then the suggestion had been made by Great Britain that the long dispute should be settled by the establishment of a boundary line at the Columbia River, and there was a suspicion that this proposition for a settlement of the controversy was not unfavourably regarded by the administration at Washington.

The promise made by Whitman was faithfully kept. In the summer of 1843 a large body of men, women, and children, gathered from all parts of the country, but more especially from the northern States, set out from a point where now is the site of Kansas City for their long journey by caravan across plain and mountain into Oregon. The caravan was led by Whitman, was inspired and encouraged by him, and to him is chiefly due the credit of this great hegira of men and women of the East into the fertile plains which were thus to be saved to the Union. The caravan, as it completed its long, tortuous course across plain, river, and mountain, encountering untold hardships, comprised about one thousand men, women, and children, one hundred and twenty-five wagons, drawn by horses or oxen, and about one thousand head of cattle, horses, and sheep.

In December, 1842, Senator Linn had renewed his Oregon resolutions of 1839 in the Senate, and in January, 1843, they for the first time came up for debate. Upon the question of their final passage an extended and animated discussion ensued, in which Benton, Choate, and Calhoun bore a prominent part. Senator Benton, in a lengthy speech, showed the efforts which had been made, from

time to time, by Great Britain, to do away with the forty-ninth parallel as a dividing line, and to establish the boundary at the Columbia. This, he maintained, had been practically accomplished by the treaty of 1818. Great Britain had sent out an expedition to re-discover the Columbian River as a pretext for disputing the claims of the United States established by the discoveries of Captain Gray. Pretensions to explorations and purchases from the Indians, in this region, prior to the American Revolution, had been made by the British commissioners who negotiated the treaty of 1818. They had suggested the Columbia River as a boundary. American commissioners, he complained, had weakly allowed the line of the forty-ninth parallel to be abrogated in that convention. With great vigour Senator Benton attacked the claims of Great Britain to the Oregon country.

"British interests," said he, "have grown upon the Columbia, and the British government owes protection to those interests, and will give it. This is now the language of the British ministers, and this is what we have got for forty years of forbearance to assert our title. The nest-egg laid by British diplomacy has undergone incubation, has hatched, and has produced a full-grown bird — a game-cock — which has flapped his wings and crowed defiance in the face of the American eagle; and this poor eagle, if a view could be got of him, as he stood during the 'informal conferences' between Mr. Webster and Lord Ashburton, will be found, no doubt, to have stuck his head under his wing and hung out the white and

craven feather." In ringing tones Senator Benton declared that it was time to abrogate the convention of 1818 and to terminate the discreditable state of things in relation to the Columbia.

Senator Calhoun of South Carolina, he who had been so strenuous an advocate of Texas "re-annexation," was fearful lest some of the provisions of the proposed resolutions were in contravention of those of the treaty of 1818. In this view Senator Rufus Choate of Massachusetts coincided. In a speech, two hours in length, he vigorously defended Webster from the suspicion of having consented to a suggestion of a boundary at the Columbia. He declared, by the authority of that statesman, that the latter had never entertained any proposition to establish the line at any point south of the forty-ninth parallel.

Mr. Calhoun's view of the future, should these resolutions pass, was extremely pessimistic. Especially did he deprecate the adoption of that portion of the resolutions which provided for a grant of six hundred and forty acres of land to each actual male settler. "Should these resolutions pass," he said, "England will declare war against us. I am opposed to holding out temptation to our citizens to emigrate to a region where we cannot protect them."

Senator McDuffie of South Carolina, the colleague of Mr. Calhoun, violently opposed the bill in a long and incoherent address. "Has the Senator examined the character of the country?" he demanded of Senator Benton. "As I understand it, about seven hundred miles this side of the Rocky Mountains is uninhabitable, where rain

scarcely ever falls, a barren, sandy soil. There are three successive ridges of mountains extending toward the Pacific and running nearly parallel, which mountains are totally impassable except in certain parts, where there are gaps or depressions to be reached only by going some hundreds of miles out of the direct course. Well, now, what are we to do in such a case as this? How are you going to apply steam? Have you made anything like an estimate of the cost of a railroad from here to the mouth of the Columbia? Why, the wealth of the Indies would be insufficient! You would have to tunnel through mountains five hundred or six hundred miles in extent. It is true they have constructed a tunnel beneath the Thames; but at a vast expenditure of capital. With a bankrupt treasury and a depressed and suffering people, to talk about constructing a railroad to the western shore of the continent manifests a wild spirit of adventure which I never expected to hear broached in the Senate of the United States. And is the Senate of the United States to be the last intrenchment where we are to find this wild spirit of adventure which has involved the country in ruin? I believe that the farmers, the honest cultivators of the soil, look now only to God in His mercy and their own labour to relieve them from the wretchedness in which the wild and visionary schemes of adventure have involved them. . . . Why, sir, of what use will this be for agricultural purposes? I would not, for that purpose, give a pinch of snuff for the whole Territory. I wish to God we did not own it! I wish it was an impassable barrier

to secure us against the intrusion of others. This is the character of the country. Whom are we to send there? Do you think your honest farmers in Pennsylvania, New York, or even Ohio or Missouri will abandon their farms to go upon any such enterprise as this? God forbid! To any man who is to go to that country, under the temptation of this bill, if he was my child, if he was an honest, industrious man, I would say to him: 'For God's sake, do not go there! You will not better your condition; you will exchange the comforts of home and the happiness of civilised life for the pains and perils of a precarious existence.' But if I had a son whose conduct was such as made him a fit subject for Botany Bay, I would say, 'In the name of God, go!' This is my estimate of the importance of the settlement. . . . If the British had no claim to this territory, and there was nothing which impelled us to go with our military establishments and agricultural settlements, I would not consent, if there was an embankment of even five feet to be removed, to enable any population to go there. I do not wish to tempt the people to settlements there. I wish this to be a great empire, grown up by the natural course of civilisation, and the natural extension of population. I thank God, in his mercy, for placing the Rocky Mountains there! I believe if it had not been for those mountains we would have been already in the Pacific. You cannot civilise men if they have an indefinite extent of territory over which to spread their numbers; for so long as they spread their numbers, instead of becoming civilised, they become

semi-savage. All agree that civilisation can be best effected where the country is hedged in by narrow boundaries."

The resolutions, the effect of which, if adopted, would have been to extend the sovereignty of the United States over the Oregon country, were debated in the Senate for thirteen days, and at length, on the third day of February, 1843, were adopted by a very narrow margin, the vote being 24 to 22. On the sixteenth day of that month, in the House of Representatives, John Quincy Adams, in behalf of the committee on foreign affairs, reported these resolutions, with a recommendation that they ought not to pass. The recommendation was adopted without debate, and once again Congress relapsed into indifference upon the subject of our national interests in Oregon.

But the subject was not to remain long in abeyance. Two weeks after the failure of the Linn resolutions in the House of Representatives, Marcus Whitman appeared in the streets of Washington. His appearance under such remarkable circumstances, the dignity of his bearing, and his unquestioned character, served to interest all, and to convince many of the importance of securing our sovereignty to this vast fertile region. Early in the next session the subject was again brought to the attention of Congress. It was the impression, based, doubtless, upon a good foundation, that during the recess of Congress the interests of the United States and Great Britain in the Oregon country had been the subject of diplomatic discussion.

So well established was this understanding that early in January, 1844, a resolution was introduced in the Senate, calling upon the President for copies of the instructions given by the Department of State to the minister of the United States to Great Britain, and also of all correspondence had with the British government regarding Oregon. This resolution was introduced by Senator William Allen of Ohio, who, in the course of his remarks, alluded to a recent debate in the British Parliament upon this subject. He quoted Lord Palmerston as saying, in the House of Lords, that had the Linn resolution been adopted by Congress at its just previous session, its passage would have been a cause of war between the two countries.

Senator Archer, who assumed to speak for the administration, assured the Senate that no negotiations with Great Britain had been entered into upon this subject since the last session of Congress. He informed his associates that a special British minister to this country had been appointed, with powers to negotiate and adjust all differences with our government touching this subject. This minister, he said, was now on his way to Washington, and his arrival was expected at an early day. Regarded from this point of time, the two statements of Senator Archer appear somewhat at variance; for Great Britain would surely not take this important step without previous diplomatic correspondence. Nevertheless the statement sufficed to defeat the resolution, and Congress and the country more or less patiently awaited developments. The arrival of Richard

Pakenham in January, 1844, as an envoy of Great Britain, was an assurance that the matter was in prospect of adjudication.

Notwithstanding the now admitted fact that diplomatic discussions were in progress, there was a party in Congress who saw no solution of the situation but in aggressive measures. To these it seemed an absolute necessity, if the United States would maintain its sovereignty over the Oregon country, that the tacit acknowledgment of British rights, as made in the convention of 1818 and its extension in 1827, should be abrogated. To this end a resolution was introduced in the Senate, in March, 1844, by Senator James Semple of Illinois. By this resolution the President was to be requested to give to the British government the required year's notice for the abrogation of the provisions of these conventions. In discussing these resolutions, their adoption was advocated by James Buchanan, in a speech in which appears no trace of his habitual conservatism. In no uncertain manner he showed forth an unfriendly tone and even a duplicity, in the conduct of Great Britain toward the United States, in the most recent of the boundary disputes between the two nations. At the time of the negotiation of the Ashburton treaty, in 1842, he declared, when were yielded certain highland passes to Great Britain on our northeast boundary, Lord Ashburton had in his pocket evidence that Great Britain had no claim to the territory demanded. This evidence, Mr. Buchanan stated, was in the form of a map taken from the library of George III, on which the King had, with his own hand,

traced the line which had been agreed upon in the treaty of 1783, and the territory claimed by Ashburton and yielded to him was not included within this line. Sir Robert Peel and Lord Brougham in Parliament, Mr. Buchanan declared, had both admitted the truth of this statement. The design of Great Britain in demanding control of these passes is shown in the promptness with which a line of British forts was erected to command them.

A campaign for an election of a President in the United States was now opening, and a chief topic of controversy and political discussion was the Oregon question. A "plank" of the "platform" adopted by the Democratic convention demanded "the re-occupation of Oregon and the re-annexation of Texas at the earliest practicable period." By the treaties of 1824 with the United States and of 1825 with Great Britain, Russia had agreed upon a southern limit of its possessions in North America at 54° 40′. The northern limit of Spanish control on the Pacific coast, by the treaty of 1819, had been fixed at the forty-second parallel. Between these two points of latitude, then, lay the disputed region, and the extreme American claim was made the basis of strong and bitter political contention. The words of Lord Palmerston, above quoted, were by many construed as a threat, and bravely was accepted the gauntlet thus thrown down. "Fifty-four forty or fight!" became a campaign rallying cry, and many and bitter were the discussions, in public and in private, which the question evoked. In June, 1844, Senator Benton presented in the Senate the peti-

tion of citizens of the State of New York, praying that measures might be taken up by Congress for the settlement of Oregon, and for the protection of immigrants. In presenting this petition Senator Benton denounced the treaty of 1818 as a geographical and a political blunder. "Let the emigrants go on, and carry their rifles," said the far-seeing patriotic statesman. "We want thirty thousand rifles in the valley of the Oregon; they will make all quiet there, in the event of a war with Great Britain for the dominion of that country. The war, if it comes, will not be topical; it will not be confined to Oregon, but will embrace the possessions of the two powers throughout the globe. Thirty thousand rifles on the Oregon will annihilate the Hudson Bay Company, drive them off our continent, quiet their Indians, and protect the American interests in the remote regions of the upper Missouri, the Platte, and the Arkansas, and in all the vast region of the Rocky Mountains. Besides the country lost or jeoparded by our diplomacy of 1818, the settlers in Oregon will also recover and open for us the North American road to India. This road lies through the south pass and the mouth of the Oregon; and as soon as the settlements are made, our portion of the North American continent will immediately commence its Asiatic trade on this new and national route. This great question I explored some years ago, and only refer to it now to give a glimpse of the brilliant destiny which awaits the population of the Oregon valley." What broader contrast than between these optimistic utterances and the pessimism of Senator McDuffie!

Senator Benton's allusion to the North American route to India recalls a remark made by Senator Calhoun, a year or two previous, in one of the many debates on the Oregon question, to the effect that England was strengthening her hand in India. This allusion was, doubtless, to the Sikh revolt, which had been suppressed with such signal vigour by the British forces, and which had resulted in the stationing of British troops at Lahore, and in the annexation of the Cis-Sutlej States. So astute a statesman as Calhoun, who had been able to see the strong hand of Britain in the East, was not able to see that the persistence of that power in claiming a foothold on the Pacific coast of North America was merely a movement to open up and secure for itself that very North American route to the Indies to which Senator Benton drew attention. Even Benton himself does not appear to have seen the growing strength of British influence in Australia. No one upon the floor of Congress called attention to the significant fact that the first English settlement in New South Wales had been augmented by the settlement at Tasmania, in 1825, in South Australia in 1834, and at less important colonies along the Australian coast. After the lapse of years it is easy to see to-day that these things were by no means overlooked by the statesmen of Great Britain. Neither had they forgotten the sad disappointment which their predecessors of forty years before had experienced, when they learned that Napoleon had performed a notable *coup d'état* in the sale of the valley and mouth of the Mississippi to the United States, and that the

proposed expedition for the capture of New Orleans must be abandoned. "That country," said Napoleon to Monroe, "which shall control the valley of the Mississippi, is destined to become the most powerful commercial nation of the world." England saw that this was so, and quickly realised the danger which threatened her. It was a danger fourfold increased, when Jefferson followed up his purchase of the Louisiana country by pushing across the Rocky Mountains and sending the Lewis and Clark expedition into the Oregon country. It was a danger that must, if possible, be averted. From year to year the Hudson Bay Company pushed forward its posts and erected its forts; from year to year British emigration into the Oregon region was encouraged until, so great had it become, that England was tempted to claim the entire region for herself, despite the territorial claims of the United States, based upon discovery and exploration.

The presidential campaign ended with the election of the Democratic candidate, James K. Polk; and the discussion of the Oregon question, as a matter of party politics, fell somewhat into abeyance. But it was a question as yet unsettled, and as a question of international importance it remained a matter still to be definitely closed. In the public prints it was continually warmly discussed, and the opinion prevailed that it was still a matter of diplomatic discussion. In October, 1843, Senator Linn suddenly died. In December, 1844, Senator Allen of Ohio assumed his position as sponsor for Oregon and renewed

his own resolution, calling upon President Tyler for copies of any instructions which may have been given to the American minister at London on the subject of the Oregon dispute, and also copies of any correspondence upon this topic which may have passed between the two governments. This resolution was adopted by a vote of 24 to 16. President Tyler made no reply to this resolution until two months had passed, and none, in fact, until a few days before his retirement from office. Then a brief message was sent, the President declining to submit the documents requested by the Senate, alleging as a reason for his refusal that negotiations were still pending, and that the information sought for could not be communicated without prejudice to the public service. Confessedly, then, negotiations were now pending between the State department and Minister Pakenham relative to the Oregon boundary. The British representative, in this discussion, was persistently contending for a boundary at the Columbia, as an offset to the extreme American claim for a line at 54° 40′. It is not probable that Great Britain designed to press its extreme demands, but rather entered them with a view only of obtaining a compromise at the forty-ninth parallel, and an undisputed outlet to the Pacific at Puget Sound. There were in England many statesmen and men of affairs whose breadth of vision was far greater than was that of Senator McDuffie, or even of Daniel Webster or Rufus Choate. Senator McDuffie could see no possibility of a railroad across the continent to the Pacific coast; and yet the steady, persistent British contention

which resulted in the saving to Great Britain of a harbour at Vancouver is explainable to-day by the existence of a trans-continental railway line in Canada, having its terminus at this harbour, whence sail subsidised lines of powerful steamers, with termini at Hong Kong and at Australian ports. There were British statesmen, doubtless, who, even at that day, saw possibilities of the future in Australia, in importance greater far than the penal colony of Botany Bay. A port on the western shore of the American continent, of the importance of the Straits of Fuca and Puget Sound, would, as they readily saw, render the Australian country far more accessible in time than by the old route by the Cape of Good Hope and the Indian Ocean. There were strategic reasons also for the British persistence — plans which have since been so completely followed that both the Atlantic and the Pacific coasts of the United States are, at this day, almost completely commanded by British ordnance. The diplomacy of Lord Ashburton, as has been seen, deprived the United States, on the northeast, of defensive situations, which were promptly occupied and fortified by Great Britain the instant that the Ashburton treaty was signed. British military strategists saw the value for their purposes of an outlet to the Pacific at Vancouver. They saw the possibilities of a Gibraltar on this island, which would not only strengthen their own defences, but would render it possible for Britain to dominate the entire Pacific coast. Great Britain was closely watching the course of events in Mexico. Her statesmen saw the war cloud

gathering, which must inevitably break when at last the Texas question should be solved by annexation to the United States. They smiled at the folly of the statesmen who depreciated the value to the nation of the Pacific coast, and its few but valuable harbours. They placed a naval squadron in Pacific waters, and trained their telescopes upon the harbours of San Francisco, Monterey, and San Diego, ready, like the hawk, to pounce down upon their prey when the expected movements upon the Mexican border should be their pretext. In the meantime the astute Pakenham continued his negotiations, still claiming a boundary at the Columbia; while one party in the United States, unconsciously absorbing a modicum of British foresight, clamoured for "fifty-four forty or fight." The conservative element was divided in opinion. One faction was for withdrawing our entire claim upon the Pacific coast; another would be content with a boundary at the Columbia, thus granting the most extreme British claim; while still another faction was quite willing to adopt the forty-ninth parallel as a dividing line, thus agreeing to the compromise at which Great Britain was really aiming. Much strength was developed by all these factional parties in our country. The importance of the party which insisted upon the extreme American view is shown in the publication, at this period, of maps of the world by the noted map publisher, Mitchell of Philadelphia, on which the northwestern boundary of the United States is shown to be coincident with the southern boundary of Alaska, as fixed by the Russian conventions of 1824 and 1825.

Early in February, 1845, a bill was passed by the House of Representatives, providing for the establishment of a territorial government for the Oregon country, with a boundary line at 54° 40′, the bill excluding slavery from the Territory. The bill with this "rider" could not be expected to find favour in the Senate, as then constituted, and it was laid on the table. The term of office of President Tyler was now drawing rapidly to a close, and on the fourth of March, 1845, it, as well as the session of Congress, expired.

President Polk had appointed James Buchanan to be Secretary of State. In December, 1845, the first Congress assembled under the administration of Polk. The title of the United States to the Oregon country had, as has been already seen, been claimed to be "clear and unquestionable," by the Democratic presidential convention. The attitude of President Polk, as assumed in his inaugural address, has already been quoted; but it is to be noted that although the President admitted it to be his duty "to assert and maintain by all constitutional means the right of the United States to that portion of our territory which lies beyond the Rocky Mountains," he carefully refrained from committing himself as to any definite claim of a northern boundary. Judging from the speech of Mr. Buchanan, in March, 1844, however, the country was easily led to believe that as Secretary of State, with the bitter remembrance of the diplomacy of Lord Ashburton, he would have no temporising with Pakenham. The sequel will show how the keen diplomat overmatched the timid Buchanan, even when the

latter had full knowledge of the astute nature of British diplomacy.

Early in the session of Congress was presented a memorial of American citizens in Oregon, praying in patriotic phrase for the establishment of a territorial government to embrace Oregon and the adjacent sea-coasts. The memorialists prayed "that the Star-spangled Banner may be planted, and unfurled over the Territory, and kept standing and floating over it in a manner worthy the dignity and power of the nation." The presentation of this urgent memorial was followed on the eighteenth of December, 1845, by a renewal by Senator Allen of Ohio of the Semple resolutions of March, 1844. These resolutions, it will be remembered, by their terms instructed the President to give notice of the intention of the United States to annul the convention of 1818, and its extension of 1827. These resolutions were speedily followed by others, introduced by Senator E. A. Hannegan of Iowa, which embodied the entire American claim to the Oregon country. These resolutions follow: —

Resolved,

(1) That the country included within the parallels 42° and 54° 40′ north latitude, and extending from the Rocky Mountains to the Pacific Ocean, known as the Territory of Oregon, is the property and part and parcel of Territories of the United States.

(2) That there exists no power in this government to transfer its soil and the allegiance of its citizens to the dominion, authority, control, and subjection of any foreign power, prince, state, or sovereignty.

(3) That the abandonment or surrender of any portion of the Territory of Oregon would be an abandonment

of the honour, character, and best interests of the American people.

These resolutions were plainly designed as a reply to the intimation set forth by President Polk in his message at the opening of Congress, that the administration was inclined to compromise with Great Britain by agreeing upon a boundary at the forty-ninth parallel. The resolutions were instantly opposed by Calhoun, he basing his position upon a fear lest their aggressiveness should excite Great Britain to warfare. In other words, the South Carolina statesman, who had advocated Texas annexation at all hazards,— since by that means slave territory would be increased, — was easily intimidated by the threat of Lord Palmerston, when the territory in dispute must inevitably be dedicated to freedom. He offered substitute resolutions, declaring that the treaty-making power includes the right to fix boundaries; that, however clear might be the claims of the United States to the country between the parallels of 42° and 54° 40′, there now exists and have long existed conflicting claims between the United States and Great Britain; that the President has rightfully power, under the Constitution, by and with the advice and consent of the Senate, to adjust this difficulty by treaty; that the President of the United States, in renewing the offer, in the spirit of peace and compromise, to establish the forty-ninth degree of north latitude as a line between the possessions of the two countries, did not abandon the honour, the character, or the best interests of the American

people, or exceed the power vested in him by the Constitution.

These resolutions, couched in the definite form in which they appeared, and emanating from a senator whose relations to the administration were unquestionably close, served to make definite that which had appeared only as a vague intimation in the message of the President to Congress. Mr. Hannegan, in reply to Mr. Calhoun, said that the proposition of the administration — to compromise at forty-nine — had been refused by the British ministry, peremptorily and almost contemptuously. Texas and Oregon, he said, were both born at the Baltimore [Democratic] convention, and adopted by the democracy throughout the land. There was no hesitation until Texas was admitted, but now the peculiar friends of Texas had turned and were doing all in their power to strangle Oregon. The resolutions and their substitutes were tabled and do not appear to have ever come up for debate. A few days later, on the fifth of January, 1846, the House committee on foreign affairs reported back, with a favourable recommendation, the resolution requesting the President to notify Great Britain of the intention of the United States to abrogate the conventions of 1818 and 1827. The debate upon these resolutions was long and earnest, at times acrimonious, and consumed several days. W. L. Yancey of Alabama, in a lengthy speech, deprecated the passage of the resolutions, lest war should inevitably follow. A war with Great Britain, he declared, would result in the loss of California and Oregon, and a gain to us of Canada. Its

result would also, he feared, be a centralisation of government; its checks would be weakened, its administration federalised in all its tendencies. "The fabric of States' rights," said Mr. Yancey, "will have been swept away, and remain only as a glorious dream; and a strong military bias will have been given to the future career of our country."

The inclusion by Mr. Yancey, of California in the region, the loss of which he prophesied would follow a war with Great Britain, is extremely significant, when one considers that this remark was made upon the floor of Congress fully four months before the formal declaration of war against Mexico, and two full years before the cession of California to the United States.

Howell Cobb of Georgia, on the other hand, advocated the passage of the resolutions. "If you refuse to carry out the recommendation of the President," he declared, "Great Britain will draw the inference that Congress is not prepared to go with the President in his declaration that this proposition is the ultimatum of the American government. . . . "Sir," said Mr. Cobb, in concluding his speech, "let it not be said by American statesmen in an American Congress, that this government can be injured, can be deprived, can be weakened in her just and unquestionable rights, by a conflict with Great Britain, or with any other government. If war come, I venture the prediction that, when it terminates, we will have the consolation of knowing that not a British flag floats on an American breeze; that not a British subject treads American soil. There is where war

ought to terminate, if come it must; there is where I believe and trust in Heaven it will terminate."

Robert Toombs of Georgia partially agreed with his colleague, but would prefer to leave the question of giving to Great Britain the notice of abrogation to the discretion of the President. If it had been decreed of heaven, said Mr. Toombs, that Oregon must be consecrated to liberty in the blood of the brave and the sufferings of the free, Georgia would be found ready with her share of the offering.

Hannibal Hamlin of Maine favoured the resolution. Not to do so, he felt, would be to fail of duty. He would go still farther and create those bands of iron which are to bind indissolubly together in one Union the people of the Atlantic and the Pacific. He would favour a railroad across the Rocky Mountains for annihilating time and space between us and the inhabitants of the Pacific coast. In a military point of view, he insisted, this railroad would be necessary. We should be obliged, for the protection and defence of our country, to establish this mode of communication. While it would afford military protection for the defence of the country, it would be the means of creating a vast trade between the eastern and western portions of the continent. The immediate consequences of such trade would be to open a traffic in our manufactures with the people of the East Indies. Next we should be able, argued Mr. Hamlin, to drive out all competition on the part of British fabrics, in that lucrative and important trade.

Stephen A. Douglas advocated the passage of

the resolution. "Did our forefathers," he asked, "abandon their resistance to the Stamp Act because it would lead to war? The States did not abandon the embargo because it would lead to war. They did not relinquish their opposition to the impressment of American seamen because it would lead to war. They did not falter on the French indemnity because it would lead to war; nor upon the right of search; nor, at a still later day, on the Texas annexation.

Jefferson Davis also advocated the passage of the resolution, in words which read queerly in the light of later occurrences. "I hope, sir," he said, "the day is far distant when the measures of peace or war will be prompted by sectional or class interests. War, sir, is a dread alternate, and should be the last resort; but when demanded for the maintenance of the honour of the country, or for the security and protection of our citizens against outrage by other governments, I trust we shall not sit here for weeks to discuss the propriety, to dwell upon the losses, or paint the horrors of war."

In the midst of the discussion upon the question of the adoption of this resolution, another was introduced and adopted, requesting the President to transmit to Congress copies of all correspondence of the government relative to Oregon, including instructions given to our minister at the court of St. James. This request met a prompt response. On the seventh of February, 1846, President Polk sent to Congress copies of the correspondence requested. It was of the deepest interest, as showing the progress of the

negotiations which had long been in progress. Secretary of State Buchanan had written to Mr. McLane, our minister at London, stating that it had been learned that warlike preparations were in progress in Great Britain, and instructing him to inquire of Lord Aberdeen their meaning. Mr. McLane had replied, conveying the answer of Lord Aberdeen, that the warlike preparations acknowledged to be in progress would be very useful in case of a rupture with the United States, but that they were general rearrangements of their defences, and not made with any specific design. On the twenty-seventh of December, 1845, Minister Pakenham had approached Mr. Buchanan with a proposition to submit to arbitration a division of the Oregon territory. This proposition Secretary Buchanan had declined, arguing that to refer the question to a third power for adjudication would be but to involve it in fresh difficulties. The terms of such a proposition, Mr. Buchanan showed, would necessarily contain an acknowledgment of the right of Great Britain to a portion of the territory, which right is by the United States expressly denied.

On the sixteenth of January, 1846, Mr. Pakenham submitted a fresh proposition. This was to submit to arbitration the question of title. On the fourth of February Mr. Buchanan replied to Mr. Pakenham, saying that he could not consent to jeopard for his country all the great interests involved, and by any possibility, however remote, to deprive the Republic of all the good harbours on the coast, by referring the question of title to arbitration.

Almost exactly coincident with the reception, by Mr. Pakenham, of this reply, a bill was introduced into Congress providing for an increase of the navy, thus replying to the half-facetious remark of Lord Aberdeen, in answer to the inquiry of Mr. McLane. On the same day a joint resolution was adopted by the House, providing for the abrogation of the conventions of 1818 and 1827. Its passage was, however, evidently the result of a compromise, for in it nowhere appears any claim of a fixed boundary, and the provision is distinctly made for a continuance, unhampered, of any negotiations which might be in progress looking toward a settlement of the boundary dispute.

Resolved, That the President of the United States cause notice to be given to the government of Great Britain that the convention between the United States of America and Great Britain concerning the territory on the northwest coast of America, west of the Stony, or Rocky Mountains, of the sixth day of August, 1827, signed at London, shall be annulled and abrogated twelve months after giving said notice.

Resolved, That nothing herein contained is intended to interfere with the right and discretion of the proper authorities of the two contracting parties to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon territory.

These resolutions, on reaching the Senate, called forth an extended debate, several days in duration, the tenor of the debate being the general question of title. As in previous debates, upon this point opinion was still divided. There were some still who insisted upon a boundary at 54° 40′, and reference was made to resolutions adopted by the

legislature of Illinois, in which this view was steadfastly maintained. It was shown that Great Britain had offered to accept the line of 49° from the Rocky Mountains to a point of conjunction with the Columbia River, and thence down that stream to its mouth; but that this proposition had been declined by the President.

On the thirtieth of March, 1846, Mr. Webster, who appears to have maintained almost unbroken silence throughout the long debates concerning Oregon, at length interposed. Mr. J. M. Clayton had introduced a fresh resolution, requesting of the President copies of correspondence with Great Britain upon this topic. This resolution Mr. Webster opposed, believing that the President would not find it convenient to make public the letters of the American minister to the British government. "Mr. President," said Mr. Webster, "one who has observed attentively what has transpired here and in England within the last three months must, I think, perceive that public opinion in both countries is coming to a conclusion that this controversy ought to be settled; and it is not very diverse in the one country and the other as to the general basis of such settlement. That basis is the offer made by the United States to England in 1826. There is no room to doubt, I think, that the country is ready to stand by that offer, substantially, and in effect. Such is my opinion, at least, and circumstances certainly indicate that Great Britain would not, in all probability, regard such a proposition as unfit to be considered. I said, some weeks ago, that I did not intend to discuss titles at length, and certainly

not to adduce arguments against our own claim. But it appears to me that there is a concurrence of arguments or considerations in favour of regarding the forty-ninth parallel as the just line of demarcation which both countries might well respect. It has, for many years, been the extent of our claim. We have claimed up to 49°, and nothing beyond it. We have offered to yield everything north of it. It is the boundary between the two countries on this side of the Rocky Mountains, and has been since the purchase of Louisiana from France. England must not expect anything south of 49°."

These remarks of Mr. Webster indicate that sentiment in the Whig party in the country was favourable to a compromise with Great Britain upon a line at the forty-ninth parallel. And yet this sentiment was by no means shared by many in the Democratic party. The bill which had passed the House in the Twenty-eighth Congress, claiming a jurisdiction to 54° 40′, had been passed by a vote of 140 to 59, the majority embracing all the Democratic members save five, and all the South Carolina members save one. The five Democrats recorded in opposition to the bill were Campbell of South Carolina, Chapman of Alabama, Coles of Virginia, Davis of New York, and Jones of Tennessee. Of the party in the Senate which insisted still upon a boundary at 54° 40′, Lewis Cass of Michigan assumed the leadership, adducing as his chief argument for that line the agreement with Russia upon that boundary line in the convention of 1824.

On the sixteenth of April, 1846, the House

resolutions of abrogation were at length passed by the Senate, but in a new draft. The bill as passed provided, — That the President of the United States be and he is hereby authorised, at his discretion, to give to the British government the notice required by its said second article, for the abrogation of the said convention of the sixth August, 1817.

This modification of the resolution, whereby the President was "authorised at his discretion" and not directed, to give notice of the desire of the United States to abrogate the treaty, did not meet with favour in the House, and the contention which followed resulted in the appointment of a committee of conference. In this committee a series of resolutions were agreed upon, which were at length adopted by both houses of Congress.

JOINT RESOLUTION CONCERNING THE OREGON TERRITORY

Whereas, By the convention concluded the twentieth day of October, 1818, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years and afterward indefinitely extended and continued in force, by another convention of the same parties, concluded the sixth day of August, in the year of our Lord, one thousand eight hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony, or Rocky Mountains, now commonly called the Oregon territory, should, together with its harbours, bays and creeks, and the navigation of all rivers within the same, be "free and open to the ves-

sels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision in the second article of the said convention of the sixth of August, 1827, that either party might abrogate and annul said convention, on giving due notice of twelve months to the other contracting party;

And whereas, It has now become desirable that the respective claims of the United States and of Great Britain should be definitely settled, and that said territory may no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdiction, dangerous to the cherished peace and good understanding of the two countries;

With a view, therefore, that steps be taken for the abrogation of the said convention, of the sixth of August, 1827, in the mode prescribed in its second article, and that the attention of the governments of both countries may be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said Territory,

Resolved, By the Senate and House of Representatives of the United States of America in Congress assembled,

That the President of the United States be and he is hereby authorised, at his discretion, to give to the government of Great Britain the notice required by the second article of the said convention of the sixth of August, 1827, for the abrogation of the same.

The adoption of these resolutions disposed of one portion of this vexed question; but it did not serve to exclude it wholly from discussion in Congress. On the twenty-second of May, 1846, the question again appeared in Congress, in the form of a bill, to extend the jurisdiction of the United

States over territory lying west of the Rocky Mountains. In the Senate, Senator Benton occupied two days in a strong speech, in which he discussed the subject of a boundary line from a historical point of view. It is instantly perceived that the senator was quite in accord at the last with Daniel Webster, and his speech, taken in connection with that of the Massachusetts senator, indicated the trend of opinion toward a compromise with Great Britain upon the line of forty-nine.

"Forty-nine is the line of right with me," said Senator Benton, "and acting upon the second half of the great maxim, 'Submit to nothing wrong,' I shall submit to no invasion or encroachment upon that line. Senators may now see why, for twenty-five years, I have adhered to the line of Utrecht. It is the line of right, which gives to us the Olympic district and the invaluable waters, and secures to us the river and valley of the Columbia. It is the fighting line of the United States. The Union can be rallied on that line."

Senator Cass, in replying to Senator Benton, led the forces in insistence upon the uttermost claims of the United States. The honourable senator says, "there is no boundary at 54° 40′." Said Cass in reply to Benton: "I quote his very words and join issue with him. If there is not, I shall then confess that I, for one, am liable to all the sneers he casts upon the 'fifty-four forties' as he calls them, and upon their cause."

This resolution was never brought to vote. On the tenth of June, 1846, proceedings in Congress were given a new direction by the reception of a message from President Polk, conveying

a draft of a proposed treaty with Great Britain in settlement of the Oregon question. This draft had been submitted, tentatively, by the British minister at Washington.

On the next day, June 11, this message of the President and its accompanying document came up for consideration, in connection with a resolution advising the President to conclude the convention as proposed. With but little opposition, and this concerning the provision touching the navigation of the Columbia River, the resolution was adopted.

That the faction led by Senator Cass was still possessed of considerable power and influence, is shown by the movement which soon followed. Unquestionably opinion was rapidly crystallising in favour of a settlement of the long dispute upon the basis of forty-nine. The administration had long been committed to a compromise upon that line, despite the vigorous denunciations of England and of Lord Ashburton, made by Secretary — then Senator — Buchanan in his memorable speech of June, 1844. The Whig sentiment was clearly in accord with the administration in this matter; and the tentative treaty, submitted to the informal consideration of Congress, provided for a definite settlement upon this basis. The "Fifty-four forty" party was clearly "upon the run," and yet they would not surrender without a struggle. On the sixteenth of June Representative Joseph J. McDowell of Ohio asked that the rules be suspended to enable him to introduce a series of resolutions. These assumed the position that "the

people are the only legitimate sovereigns in this Republic, and are of right the arbiters of all questions relating to the annexation of foreign territory or State to the same, and of ceding their territory and transferring American citizens with it to any foreign power"; and they expressed the opinion that it was the duty of the President and Senate to postpone further consideration and action on the Oregon treaty and submit it to the people for their decision and instruction. The motion to suspend the rules was denied a passage by a vote of 116 to 35; and permission to introduce the resolutions was denied by a large majority. The strength of the negative vote, upon this question, may be regarded as an indication of the general favour with which the final settlement of the question was met in the House. Indeed, before the movement of Mr. McDowell, Congress had assented to the tentative draft of the treaty; and on the day before Mr. McDowell's request, — which may be regarded as a frantic attempt to defeat the treaty at the last moment, — the convention had been concluded at Washington. The Senate, by a vote of 41 to 14, voted its advice and consent to its ratification on June 18; on the nineteenth it was duly ratified by the President; and on July 17 the ratifications were exchanged at London.

Thus was ended the long dispute with Great Britain concerning our northwest boundary, and the possession and sovereignty of the Oregon country. As already seen, the final decision of the controversy was far from satisfactory to many; and, in the light of the present day, one

may readily perceive the reason for England's persistence, during a period of more than thirty years, upon the possession of an outlet, and a foothold upon the Pacific coast of North America. Had the persuasion prevailed of the "Fifty-four forty" party, the British Empire would have to-day been severed in twain. No direct communication would have been possible between the British dominion in Canada and the British colonies of the southern Pacific. Had it prevailed, the immense naval depot, with its impregnable fortifications at Esquimault, which dominates the Pacific coast of America, would have been impossible. England's naval outposts at Bermuda and St. Lucia; their telegraphic connection with Halifax; her naval station and fortification at that point; her military railroad and telegraphic lines thence to Esquimault; and her strong military and naval works there — comprise to-day a formidable aggressive chain, of wonderful strength, in the event of war between the United States and Great Britain.

The treaty, which was signed by James Buchanan and Richard Pakenham, on the fifteenth day of June, 1846, provided that: "From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territory of the United States and those of her Britannic Majesty shall be continued westward, along the said forty-ninth parallel of north latitude to the middle of the channel, which separates the continent"

from Vancouver Island; and thence southerly through the middle of said channel and of Fuca's Straits to the Pacific Ocean. Provided, however, that the navigation of the whole of said channel and straits south of the forty-ninth parallel of north latitude remain free and open to both parties."

Article 2 of the treaty provides that, "From the point where the forty-ninth parallel intersects the great northern branch of the Columbia River, and thence down branch and main stream to the sea, the navigation is to be free and open to the Hudson Bay Company, and all British subjects trading with the same."

The Oregon treaty of 1846 did not serve, unhappily, to close the controversy with Great Britain touching the northwest boundary. The island of San Juan, containing about fifty thousand acres, remained disputed ground. The Hudson Bay Company claimed it as British territory. Oregon claimed it and included it, by an act of 1852, in one of its counties. This claim passed to the Territory of Washington, at the division of Oregon in 1853, and in 1854 the Hudson Bay Company openly disputed the authority of the American collector of customs for Puget Sound, and raised the British ensign. The United States contested the British claim, and a discussion ensued, which continued from year to year, and was not finally terminated until October, 1872, by a decision in favour of the United States, by the German Emperor, to whom the matter had been referred for arbitration.

CHAPTER VII

THE GADSDEN PURCHASE

As the Oregon treaty, although settling the general dispute concerning the sovereignty of the Oregon country, failed to remove every cause of dispute, so also the Treaty of Guadalupe Hidalgo, although settling the quarrels arising from the Texas annexation and the war which followed, failed, in like manner, to make specific the new boundary line between the United States and Mexico. A fresh dispute soon arose. This dispute was concerning the true reading of the fifth article of the treaty, and especially concerning the true boundary line at the southern border of New Mexico. It was not until the expiration of five years from the date of the signature of the Treaty of Guadalupe Hidalgo that this dispute began to attract attention. So late as 1851, in his second annual message to Congress, President Fillmore gave no intimation of such a disagreement. On the contrary, he informed the country that the joint commission under the treaty was "actively engaged in running and marking the boundary line between the United States and Mexico," and that "the initial point on the Pacific and the point of juncture of the Gila with the Colorado River," according to the most

recent report of the Secretary of the Interior, had "been determined, and the intervening line, about one hundred and fifty miles in length, run and marked by temporary monuments." Later, a marble monument was erected at the initial point, and permanent landmarks of iron were placed at suitable distances along the line. The initial point at the Rio Grande was also determined by the commission at latitude 32° 22′, and good progress was at this time making in the survey from this point westward.

In the same message President Fillmore intimates impending trouble in the complete fulfilment of the terms of the Treaty of Guadalupe Hidalgo. He calls renewed attention to our undertaking, in the eleventh article of the treaty, to restrain forcibly all incursions of savages from the newly acquired territory of the United States into the limits of Mexico. He suggests that, although earnest efforts have been made to fulfil this obligation, "it is probable that, in spite of all our efforts, some of the neighbouring States of Mexico may have suffered, as our own have, from depredations by the Indians." "To the difficulties of defending our own territory," he adds, "are superadded, in defending that of Mexico, those that arise from its remoteness, from the fact that we have no right to station our troops within her limits, and that there is no efficient military force on the Mexican side to coöperate with our own."

This suggestion, which can be taken only as a bare intimation of failure on the part of the United States in fulfilling a treaty obligation, was

in reality the precursor of a situation which at one time threatened serious results. The mutterings only, however, of the approaching storm, were heard during the administration of President Fillmore. It was reserved for his successor to cope with the conditions which rapidly ripened.

By the terms of the Treaty of Guadalupe Hidalgo the boundary line between the United States and Mexico was to follow the Rio Grande "to the point where it strikes the southern boundary of New Mexico; thence westwardly along the whole southern boundary of New Mexico (which runs north of the town called Paso); thence northward along the western line of New Mexico, until it intersects the first branch of the river Gila; thence down the middle of said branch and of the said river until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between upper and lower California, to the Pacific Ocean." The vagueness of this description is easily apparent, but it does not seem to have appealed to the mind of James Buchanan, Mr. Polk's Secretary of State. It was no easy matter to determine the point where the Rio Grande "strikes the southern boundary of New Mexico," the only guide of the commissioners and surveyors being the somewhat doubtful map of Disturnell, to which the treaty made reference, and the definite establishment of this point "north of the town called Paso." The western boundary of New Mexico does not appear to have ever been in any manner fixed, and the treaty contains no hint as to the means of estab-

lishing it, save the reference to Disturnell's map. The commissioners appointed to the difficult task of locating the line shown uncertainly in this map were, on the part of the United States, John Russell Bartlett, and on the part of Mexico, General Pedro Garcia Conde. A difficulty at once arose, for it was soon apparent that Disturnell's map was not geographically correct. It located "the town called Paso" (which is now known as El Paso) fully thirty minutes too far to the northward; and it placed the Rio Grande at this point two and a half degrees too far west. The Mexican commissioner insisted upon a determination of the line by true parallels as being more to the advantage of his country. Mr. Bartlett, in behalf of the United States, claimed a line strictly in accordance with the map, as signed and sealed by the plenipotentiaries, and thus made a formal part of the treaty.

This disagreement was finally adjusted in a compromise at 32° 22′, as stated by President Fillmore in his message. The surveyor on the part of the United States, however, dissented from this agreement and insisted upon a boundary at 31° 54′ 40″, and this disagreement seemed impossible of adjustment. The reason for the insistence of the surveyor upon the southernmost line is well understood, when the instructions given by the government of the United States to their commissioner and surveyor are disclosed. These included directions, not merely to survey a boundary line, but also to explore the country for a route for a Pacific railway, the explorations to cover a league to the north or south

of the Gila. It is true that the treaty stipulations included no reference to such a project; but it was tacitly agreed that it should be made the subject of a subsequent agreement between the two nations. The line of compromise agreed upon by the two commissioners would not admit of the construction of the proposed railroad on American soil; for the Mesilla valley, which afforded the only practicable route for such a railroad, was included between the line of the commissioners and that of the American surveyor. This region, then, became the subject of a dispute, which no resources at the disposal of the commission were able to settle.

This international dispute was not the sole disagreement which served to complicate this unfortunate affair. Operations under Mr. Bartlett had been begun at El Paso early in the year 1851. A military escort of eighty-five men, commanded by Colonel Craig, accompanied the expedition. For a year or more the operations were continued, but with little harmony among the military, civil, and scientific branches of the expedition. A violent quarrel at length broke out, which assumed the dignity of a public matter, and was finally the topic, in all its complications, of a public document of considerable size.

Mr. Bartlett and his fellow-members of the surveying and exploring expedition did not complete the work which they began. He was succeeded by W. H. Emory as commissioner and surveyor in behalf of the United States. Conde was succeeded by José Salazar Ylarregui and J. Mariano Monterde as commissioners in behalf of Mexico.

In the meantime President Pierce, in his first annual message to Congress, December 5, 1853, called attention to the boundary dispute in these words: —

"It has been my earnest desire to maintain friendly intercourse with the governments upon this continent, and to aid them in preserving good understanding among themselves. With Mexico a dispute has arisen as to the true boundary line between our Territory of New Mexico and the Mexican State of Chihuahua. A former commissioner of the United States, employed in running that line pursuant to the Treaty of Guadalupe Hidalgo, made a serious mistake in determining the initial point on the Rio Grande; but inasmuch as his decision was clearly a departure from the directions for tracing the boundary contained in that treaty, and was not concurred in by the surveyor appointed on the part of the United States, whose concurrence was necessary to give validity to that decision, this government is not concluded thereby; but that of Mexico takes a different view of the subject. There are also other questions of considerable magnitude pending between the two republics. Our minister in Mexico has ample instructions to adjust them."

The region concerning which this dispute had arisen included what is known as the Mesilla valley. The region in dispute was about 460 miles in length by 130 miles at its widest point, and comprised 45,535 square miles. The valley itself, when this dispute arose, was sparsely inhabited. There was in it a colony of about sixty Mexican families,

who had settled there in March, 1850, under the auspices of the Chihuahua Colonisation Society. There were less than one hundred Americans in the valley, these being mainly adventurers, who had gone thither for the purpose of locating land rights issued by the State of Texas, to those who had served in its army during its struggle with Mexico. Numbers of semi-civilised Indians, the descendants of the ancient pueblo and cliff dwellers, served to increase the inhabitants of this disputed valley. Not only was the Mesilla valley susceptible of a considerable degree of cultivation, but here, in 1851, had been discovered the celebrated Stevenson mine of silver. Through this valley also was afforded the only means of access to the Pacific coast by a southern railway line — a line which was even then projected.

What were the "other questions of considerable magnitude pending between the two republics," President Pierce left the country to conjecture. Undoubtedly he referred to the failure of the United States to check the incursions of the Indians into Mexican territory, as in duty bound under the Treaty of Guadalupe Hidalgo. In addition to this complication an extended diplomatic correspondence was at this time in progress between the two nations, relative to the interest of the United States in a transportation route across the Isthmus of Tehuantepec. On the fifth of February, 1853, ten months earlier than the date of President Pierce's message from which the above quotation is taken, the government of Mexico had authorised the construction of a

"plank and rail road," by an American corporation, across this isthmus from sea to sea. The rights of the United States and its people in this projected road, and in the transportation which it would afford, was the subject of this discussion. Owing to the political insecurity of the country at that time, and to the fact that, simultaneously with this movement, a similar project was formed, and later carried into operation at Panama, this scheme was never consummated. That such would be its fate, however, could not, at this time, be conjectured; and to secure to the people and government of the United States as large a measure of privilege in the projected trans-isthmian railway was deemed a measure of prime importance.

One of the earliest acts of President Pierce, after his accession to office, had been to appoint as minister of the United States to Mexico, James Gadsden of South Carolina. He was the grandson of Christopher Gadsden, who was a member of the First Continental Congress, in 1774, and had held a brigadier-general's commission during the War of the Revolution. James Gadsden himself had served as a lieutenant-colonel of engineers in the War of 1812, and as an aide-de-camp to General Jackson during the Seminole War. To him now was intrusted the delicate task of attempting a settlement, or a readjustment, of the Mexican boundary line; an abrogation of the article of the Treaty of Guadalupe Hidalgo, by which the United States was obligated to suppress Indian incursions into Mexican territory — an obligation proved to be difficult, if not impos-

sible, of fulfilment; and a guaranty of American rights in the projected Tehuantepec railway.

The discussion of the difficulties between the United States and Mexico relative to the true boundary line was not unattended with disorders. In the summer of 1853 a collision occurred in the vicinity of El Paso between armed Americans and Mexicans, the quarrel springing from the settlement of Texans upon lands claimed to be within the Mexican borders, and from a dispute concerning the ownership of cattle. The raids of the Indians across the border into Mexico also continued, and being but weakly checked by the forces of the United States, furnished an added cause of irritation.

The appointment of the new boundary commission was the signal for a brisk forward movement. The board met at El Paso, near the close of the year 1854, and the initial monument was fixed January 31, 1855. The work of running the new boundary line was attended by no disputes or disagreeable controversies, Mexicans and Americans working together in the utmost harmony. Meantime the diplomatic discussions were in progress at the city of Mexico. It was evident from the beginning that the two nations would not be able to agree concerning the true location of the boundary line, as described in the fifth article of the Treaty of Guadalupe Hidalgo, and that a boundary line must be agreed upon *de novo*.

Pending the discussion upon the true boundary line, Mr. Gadsden, without instructions or authority from his government, proceeded to negotiate

a treaty with Mexico, for the purpose of securing to the United States certain transit rights at Tehuantepec. This treaty was signed March 21, 1853. It contained among other things a stipulation of guaranty, on the part of the United States, for the faithful performance of a contract, entered into between a private American corporation and the government of Mexico, for the construction of a railway across Tehuantepec. President Pierce saw, of course, the inadmissibility of such an agreement, and refrained from submitting the treaty to the Senate with a view to its ratification.

On the thirtieth of December, 1853, Mr. Gadsden, after long discussion, concluded a convention with the Republic of Mexico, which has since been familiarly known as the Gadsden Treaty. This treaty assumed to settle to the satisfaction of both countries the various points which had produced dispute and discussion. The difficulty of communication at that time between the capitals of the two nations rendered it impossible that Mr. Gadsden should be able to consult with his superiors at Washington during the progress of the negotiations. It is certain that he was not only unskilled in diplomacy, but wanting in the qualities of true statesmanship; for the treaty, as first submitted by him, contained more than one provision quite impossible of acceptance by the government at Washington. On the tenth of February, 1854, in a special message to the Senate, President Pierce transmitted this treaty to that body, but with the recommendation that, before ratification, it should be amended in three

particulars. The second article of the treaty, as originally concluded, related to the matter of Indian incursions, and failed to abrogate, as had been hoped, the eleventh article of the Treaty of Guadalupe Hidalgo, which provided that the United States should restrain such incursions across the border. The article also included an agreement on the part of the United States to make certain laws relating to the conduct of United States citizens toward Indians, making it a penal offence for any person to purchase cattle from the Indians, knowing them to have been stolen from citizens of Mexico across the border. In the event of the capture of Mexicans by Indians from the territory of the United States, the article provided that the government of the latter should "use every fair and reasonable means to rescue and return such captives." The article also provided that, should the United States have occasion to remove any tribe of Indians to a new location, care should be taken that they should not be allowed to go into Mexico.

President Pierce, with a spirit of conservatism, but anxious nevertheless to relieve our nation of so arduous a series of duties, suggested an amendment, making this article reciprocal and equally binding, Mexico to perform all the duties made incumbent upon the United States. The President also perceived that Mr. Gadsden had agreed upon a pecuniary consideration to be paid to Mexico so enormous in amount as to be wholly inadmissible. While California and New Mexico, at the close of the war with Mexico, had been ceded to the United States for a consideration

of $15,000,000, Mexico now demanded, and Mr. Gadsden had agreed to pay, as compensation for a strip of territory comparatively insignificant in size, the sum of $20,000,000. President Pierce's second suggestion was for a reduction of this amount to $15,000,000. His third suggestion was the omission of a provision of the eighth article, by which the United States was to engage to employ its naval and military forces in following and bringing to punishment members of possible filibustering expeditions.

An interesting and somewhat amusing episode occurred in connection with the transmission of the treaty to the Senate. By resolution it was at once ordered to be printed for the private use of the members of the Senate, pending the discussion upon the question of its ratification. A few days later the Senate was dismayed at seeing the entire text of the treaty published in one of the daily newspapers of Washington. A resolution was instantly introduced and unanimously adopted, authorising the appointment of a committee "to ascertain by what manner and means the pending treaty with Mexico and the message of the President transmitted with the treaty [have] had been made public." All efforts to ascertain the source of the "leak" were unavailing, and the Senate was obliged to proceed with the consideration of the treaty, without gratifying its desire for knowledge in this particular direction, notwithstanding the fact that the publication of the treaty was almost immediately followed by the publication of another supposedly secret occurrence. This was the conclusion of an article, in

addition to a convention which had been negotiated, in arrangement of an international copyright with England.

The treaty was, as is usual in such cases, referred for consideration to the Senate committee on foreign relations. On the ninth of March it was reported back to the Senate in executive session. Suggestions were made for the correction of a large number of grammatical and other errors, and the President's recommendation that the amount of the consideration should be lessened was concurred in.

The debate, in secret session of the Senate, which now followed extended over a period of seven weeks. At no time does there appear to have been a disposition on the part of any party in the Senate, as had been the case on other similar occasions, to reject the treaty. The debate was confined wholly to various propositions for amendment, and in these, opinion does not appear to have been widely divided. The second article of the treaty was repudiated by a unanimous vote, the conservative suggestion of the President for the insertion of a reciprocal clause being unheeded. In its place was inserted an article providing for the abrogation of the eleventh article of the Treaty of Guadalupe Hidalgo, which article, as already seen, contained an agreement on the part of the United States to restrain incursions of Indians into Mexico.

The debate upon the article of the treaty which provided for the payment of a consideration for the territory to be ceded was long and

of great interest. There was a unanimity of sentiment in repudiation of the vast sum agreed upon by Mr. Gadsden. Indeed, the sum suggested by President Pierce was regarded by the majority of senators as far too great; and by a vote of 30 to 13 it was at first determined to offer to Mexico not more than $7,000,000 as compensation for its cession. Later in the discussion this extreme position was receded from, and the sum of $10,000,000 was suggested and finally decided upon. This was not, however, until a vote had been taken upon ratification of the treaty as at first amended, and the treaty had failed of passage.

Equally extended was the debate upon the first article of the treaty, in which the new dividing line between the two countries was determined. There were many senators who were earnest in their desire to obtain for the United States a coast-line sufficient for a port upon the Gulf of California. In this they were not successful, the Mexican minister at Washington undoubtedly conveying the assurance that the assent of the Mexican government to such a proposition it would be impossible to obtain.

On the seventeenth of April, 1854, the question of the ratification of the treaty as amended was brought to a vote. Twenty-seven senators voted for, and eighteen against, ratification. Less than two-thirds of the Senate concurring, the treaty was declared to be defeated. The following day, however, the vote was reconsidered and, on the twenty-fifth, the treaty was brought up for final action. It was then that an increase of the con-

sideration from $7,000,000 to $10,000,000 was agreed upon. An article was inserted providing for American rights at Tehuantepec; and as thus finally amended, the ratification of the treaty was advised by a vote of 33 to 13.

Under the agreement as finally arranged, $7,000,000 of the purchase money was to be paid immediately upon the exchange of ratifications, and the remaining $3,000,000 as soon as the new boundary line should be surveyed, marked, and established. On the twenty-fifth of April, 1854, the resolution of ratification of the Gadsden Treaty was adopted by the Senate. It was ratified by President Pierce June 29, 1854, the assent of the Mexican government to the new draft of the treaty having been meanwhile gained. On the following day the ratifications were exchanged with the Mexican minister at Washington, and proclamation of the event was made by the President the same day.

There were no formal ceremonies of transfer of this newly purchased territory to the custody of the United States. The Mexican government simply ceased to exercise its authority in the ceded territory, and the authority of the United States was assumed. A portion of the Mexican inhabitants withdrew from the ceded territory across the border into Mexico; others preferred to remain and become American citizens. By act of Congress adopted August 4, 1854, the Gadsden Purchase was added to the Territory of New Mexico. By the act of 1863 the western portion of the Territory was organised as the territory of Arizona, a portion of the Gadsden

Purchase then becoming the southern portion of the new Territory.

It was not until 1856 that military possession of the Gadsden Purchase was assumed by the United States. In that year a detachment of the First Dragoons, comprising four companies, was sent into the Territory and stationed at Tucson, and later at Calabazas. In 1857 a military station was established on the Sonoita, which, in honour of the President of the United States, was named Fort Buchanan; but no buildings worthy of the name of fort were ever erected here.

The purchase of this strip of territory by the United States and its sale by Mexico did not meet universal approval in either country. In both there was a certain amount of popular criticism. That in Mexico was engendered, undoubtedly, by the popular feeling in opposition to the alienation of any portion of their territory, and especially to a whilom foe. The large increase of the public funds, however, as the result of this diplomatic bargain, no doubt served promptly to silence popular criticism. In the United States, and especially at the North, the criticism assumed a political aspect. In this section of the country there was, at this time, a feeling of apprehension lest any further extension of our territory toward the South would increase the slaveholding power. The accession of Texas, New Mexico, and California, undoubtedly in the interest of this power, had created a sentiment of suspicion at the North that this also betokened some hidden plan. But the region acquired by this purchase was so

small, when compared with other recent territorial acquisitions, and a political significance in the purchase not being apparent, this fear was soon allayed. The wisdom of the purchase, from a strictly business point of view, has since become apparent.

CHAPTER VIII

ALASKA

The territory now known as Alaska, but which was formerly designated as the Russian Possessions in North America, was added to the Russian crown in the year 1741 by right of discovery. On the fifteenth of July in that year, Captain Tschirikow, a Russian navigator, sighted this coast in latitude 56° north, and from that day the sovereignty of Russia in this region was not disputed. In September, 1821, the Czar issued a ukase, asserting his claim to all the Pacific coast of North America north of the fifty-first parallel, and forbidding foreigners to trade in that region. The claim of Russia thus made, extended as far south as the most northerly point of Vancouver Island, and was disputed by both the United States and Great Britain. Pointing to this claim Great Britain, in the year 1823, proposed to the United States "that the two countries should unite in a declaration against European intervention in the colonies." This proposition was declined. On the second day of December of that year President Monroe, in his message in which he enunciated the since famous "Monroe Doctrine," imparted to Congress this information: —

"At the proposal of the Russian imperial government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg, to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by his Imperial Majesty to the government of Great Britain, which has likewise been acceded to. The government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonisation by any European powers."

The plan contemplated in this arrangement was quickly and harmoniously carried to completion. On the seventeenth of April, 1824, at St. Petersburg, was concluded a treaty, Henry Middleton acting in behalf of the United States, and Le Comte Charles de Nesselrode and Pierre de Poletica on behalf of the Emperor Nicholas. By the third article of this treaty it was agreed

that thereafter there should not be formed by the citizens of the United States, or under its authority, any establishment upon the northwest coast of America, or in any of the islands adjacent, to the north of 54° 40′ of north latitude. In like manner it was agreed that none should be formed by Russian subjects south of the same parallel. On the twenty-eighth of February, 1825, a similar treaty was concluded between Russia and Great Britain. Thus both of the nations which might be expected to contest the claim of Russia to sovereignty upon the northwest coast of America agreed upon a settlement with that nation upon an equal basis. Thenceforward Russia ceased to be a factor in the contest of powers for control in this region. The suggestion of a transfer of these possessions of the Czar to the United States was first made during the progress of the War of the Crimea in 1854. This suggestion was made by Russia through the envoy of the Czar at Washington, Baron Stoeckl, and was prompted no doubt by the desire of his Imperial Majesty to raise money for the prosecution of the war. The suggestion was not met with favour at Washington and, indeed, it is not known that any definite offer was made for the sale of the territory.

Again, during the administration of President Buchanan, a proposal for the transfer of the sovereignty of Russian America to the United States was broached. This time the suggestion came from the government of the United States, and, although no definite proposal was made, a tentative offer of $5,000,000 was made. The

intimation was made, from the Russian legation at Washington, that the Czar, although not unwilling to sell, would expect a larger sum as compensation than that suggested. The negotiations at that time went no farther, and they were not renewed until the year 1867, during the administration of President Johnson. In January, 1866, the legislature of the Territory of Washington addressed a memorial to the President, urging the acquisition of the Russian possessions, and a strong movement was made to this end.

The Hudson Bay Company, which had been such an active factor in the Oregon dispute, had long been an operator in Russian territory. By the treaty of 1824 it was provided that, for the period of ten years, citizens of the United States should have the liberty of fishing, trading, and navigation in North Pacific waters; but that arms, ammunition, and intoxicating liquors should in no case be sold to the natives. The right was reserved by Russia of abrogating this provision of the treaty, at the expiration of the term of ten years. In the year 1834 this right of abrogation was claimed by Russia, and the privilege of free navigation of Russian waters was withdrawn from American vessels. This movement is supposed to have been prompted by the violation, by unscrupulous American traders, of the stipulation concerning the sale of firearms and liquors. A protest against this action by the American minister at St. Petersburg proved of no avail, and American fishermen and traders were thenceforward shut out from Russian-American ports and waters.

The Hudson Bay Company, the great and powerful British fur-trading company, still had rights in this region. It held under the treaty of 1825, and in 1837 obtained a lease of fishing and fur-trading rights from the Russian-American Fur Company, the Russian corporation which held a franchise granted by the Czar. This lease, which was for the term of ten years, gave to the Hudson Bay Company the practical control of the coast, from the southern point of Russian sovereignty to Cape Spencer, a distance of about five degrees of latitude. The consideration to be paid was an annual rental in furs and a certain amount of provisions to be furnished annually at fixed rates. This arrangement was concluded at Hamburg. At the expiration of the charter of the Russian-American Fur Company, in 1844, it was renewed by Czar Nicholas I for the term of twenty years, to date from January 1, 1842; and three years later, when the Hudson Bay Company's lease expired by limitation, it was also renewed for a similar term.

In the administration of President Johnson, therefore, the term of this lease was rapidly drawing to a close. In 1864 the Western Union Telegraph Company had entered upon a project of constructing a line of telegraph from San Francisco to Behring Strait, thence across that body of water by means of a cable, to meet the Russian government telegraph at the mouth of the Amoor River. Active operations in the construction of this important telegraph line were begun and vigorously pushed. The failure and abandonment of the project, after an expenditure

of nearly three million dollars, was caused by the final success of Cyrus W. Field, the chief promoter of the projected Atlantic telegraphic cable. A contract made with the Russian authorities by an American company, in 1863, for the annual delivery of a large quantity of ice, served also to strengthen the commercial ties of the United States with Russia and Russian America.

When, therefore, in 1867, the attention of the administration at Washington was called to the early expiration of the lease of the Hudson Bay Company, the importance of obtaining a control of the fur-seal and other fisheries of this region by the United States became evident. These fisheries and timber franchises in Alaska were rapidly increasing in value, and it was seen that here at our doors were opportunities for trade, commerce, and wealth which should not be neglected. A renewal of the lease of the Hudson Bay Company, which would expire in June, 1867, would mean a continued exclusion of Americans from these shores and waters for a long period in the future, if indeed it might not result in a permanent British control.

Baron de Stoeckl, whose movement for a sale of Russian America to the United States in 1854 has been noted, was still the envoy of the Czar at Washington. Mr. Seward, President Lincoln's Secretary of State, had been retained by President Johnson. This far-seeing statesman was already committed in opinion to a firm belief in the importance of the Pacific coasts to the commercial interests of the world. "The Pacific Ocean with its coasts and islands," he had said in a public

utterance, "is destined in the future to become the great theatre of the world's affairs." In this opinion he was not opposed by President Johnson, for not only did he enter heartily into the plan of the purchase of the Russian possessions, but his subsequent utterances show that, had opportunity offered, he would have gone even farther. In his annual message to Congress, December 9, 1868, in urging the ratification of a treaty of reciprocity with the Hawaiian Islands, Mr. Johnson made use of this language: —

"I am aware that, upon the question of further extending our possessions, it is apprehended by some that our political system cannot successfully be applied to an area more extended than our continent; but the conviction is rapidly gaining ground in the American mind that, with the increased facilities for intercommunication between all portions of the earth, the principles of free government — as embraced in our Constitution, if faithfully maintained and carried out — would prove of sufficient strength and breadth to comprehend within their sphere and influence the civilised nations of the world."

Negotiations begun between Baron de Stoeckl and Mr. Seward were speedily brought to a harmonious termination. On the thirtieth of March, 1867, President Johnson sent to the Senate, "with a view to its ratification, a treaty between the United States and his Majesty the Emperor of all the Russias upon the subject of a cession of territory by the latter to the former." This treaty, which was thus with so little discussion and with an entire absence of

previous contention presented for ratification, was an instrument which ceded to the United States the sovereignty of the vast region in the northwestern part of America, which for one hundred and twenty-six years had been under the control of the Russian crown. It ceded to the United States "all the territory and dominion [now] possessed by his said Majesty on the continent of America and in the adjacent islands." The eastern limit was to be the line of demarcation between the Russian and the British possessions in North America, as set forth in the convention between Russia and Great Britain of February 28, 1825. The islands ceded included the great sweep comprising the Aleutian chain, the westernmost of which lies near the one hundred and seventieth meridian of east longitude.

The sixth article of this convention provides for the cession of this territory "free and unincumbered by any reservations, privileges, franchises, grants, or possessions by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties except merely private, individual property holders." To this stipulation, which was incorporated by Mr. Seward in the first draft of the treaty, Baron Stoeckl at first demurred, being doubtless loath to surrender the fishing and hunting rights of the Russian-American Fur Company and the privileges leased to the Hudson Bay Company. In a communication under date of March 23, 1867, Secretary Seward informed Baron Stoeckl that the United States would insist upon this provision of the proposed treaty as an ultimatum. He

announced the willingness of the government, however, to increase the stipulated price of $7,000,000, by the sum of $200,000. Two days later this stipulation was agreed to, the Czar sending a special telegram of acceptance, and authorising the transfer in return for the sum named.

On the thirtieth of March, 1867, at four o'clock in the morning, the treaty was signed by Baron Stoeckl and Mr. Seward, and on the same day President Johnson, in a special message to the Senate, transmitted it with a view to its ratification. It was at once read in executive session, and, as is customary, referred to the committee on foreign relations. On the eighth of April Senator Sumner, in behalf of the committee, reported back the treaty, without amendments and with a favourable recommendation. By unanimous consent of the Senate the treaty was read a second time and consideration postponed until the next day. On the ninth, after an ineffectual attempt on the part of a portion of the Senate to procure a second postponement, the treaty was brought forward for formal consideration. No treaty of cession, since the independence of the colonies and the establishment of an independent nation, had been negotiated with so little diplomatic discussion and with such unanimity of opinion in the ratifying body. The only speech of moment was made by Senator Sumner. This was an elaborate and exhaustive monograph upon the Territory of Alaska, its fisheries, furs, timber, minerals, physical features, climate, commerce, history, and inhabitants. The

speech was afterward elaborated by Senator Sumner and published as a government pamphlet.[1] No amendments to the treaty were proposed, nor was any serious opposition to its ratification made. By a vote of 37 to 2, ratification was advised and consented to, Senators Fessenden and Morrill alone voting in the negative. The treaty was sent to Russia for the approval of the Emperor. This being gained, President Johnson, on the twenty-eighth of May, 1867, formally ratified the treaty. Ratifications were exchanged at Washington June 20, and on the same day the President made public proclamation of this new and important territorial addition. The new cession added to the domain an area comprising 577,390 square miles, including the Aleutian archipelago, the most eastern point of which lies within three hundred miles of the Siberian coast, and within six hundred miles of Japan.

Even before the ratifications of the treaty of cession had been formally signed, President Johnson appointed Brigadier-General Lovell H. Rousseau a special commissioner on behalf of the United States, to receive from the commissioner to be appointed by the Czar the sovereignty of the newly ceded territory. He was commissioned August 7. On the thirteenth of August Captain Alexis Pestchouroff received a similar commission from the Russian Emperor. The two commissioners met at New York and sailed thence for Sitka, by the way of Panama. They reached San Francisco on the twenty-second of Septem-

[1] *Vide* Pierce's "Memoir and Letters of Charles Sumner," IV, 326, 327; "Works of Charles Sumner," II, 186–349.

ber, where they were received with salutes from the fort at the entrance of the harbour. Troops to accompany the expedition were found here to be in readiness with ships and supplies. The commissioners themselves were transported to Sitka on board the U. S. S. *Ossipee*, Captain Emmons commanding. On the morning of September 27 the commissioners set sail, and dropped anchor at New Archangel on the eighteenth of October. The troops and supplies were already arrived, and a landing was at once made.

The American forces, two hundred and fifty strong, were in command of General Jefferson C. Davis. These were at once marched to an eminence on which stood the governor's house, where also was drawn up a company of Russian soldiers at the foot of the flagstaff, from which floated the Russian colours. At precisely half-past three o'clock, on the eighteenth of October, amid salutes of artillery by both Americans and Russians, the flag of Russia was formally lowered from its staff and the flag of the United States was raised in its place, the latter portion of the ceremony being performed by General Rousseau's secretary, George Lovell Rousseau. In a few words Captain Pestchouroff formally transferred the territory of Alaska to General Rousseau, as representing the United States. The simple yet impressive ceremony was witnessed by the commissioners of the two nations, the officers of the American naval vessels in the harbour, the Prince Maksontoff, the Russian governor of the province, his wife the Princess, and a few Russian and American citizens. A party of Alaskan Indians added

picturesqueness to the scene. The formal ceremony of transfer was followed by the drawing of schedules of public property to be included in the transfer. These papers drawn and executed were transmitted to Washington, and thenceforward Russian America was to be known as the United States province of Alaska.

The instructions given by Secretary Seward to Commissioner Rousseau included an appointment to the military command of the newly acquired territory. He was soon, however, under a promotion to a major-general's commission, appointed to the command of the Department of the Columbia, with headquarters at Portland, Oregon. The command of the military district of Alaska was given to General Jefferson C. Davis, who commanded the garrison. As a military district Alaska remained until the year 1884, when Congress provided for it a civil and judicial government, with a civil governor, judges, and other officials. As a territorial dependency, however, Alaska has since remained, without a legislative assembly and without territorial representation in Congress.

CHAPTER IX

HAWAII

On the seventeenth of January, 1893, the Hawaiian monarchy, which had long been corrupt and tottering to its fall, ceased to exist. With the causes which led to this consummation we are not concerned. Suffice it to be recorded that these were wholly internal, and had their source in a condition which must inevitably lead to the downfall of any government, however firmly it may seem to be established. From the time of the failure of the Kamehameha dynasty, and the accession to the throne of an unprincipled political adventurer, the ultimate fall of the Hawaiian monarchy was presaged. The dethronement of Kalakaua was saved only by the yielding of the monarch to a pressure which he was keen enough to perceive was irresistible. His sister and successor, Liliuokalani, unable to realise the strength of public opinion and the tendency of the times, lacking in the tact and discernment which had characterised the régime of her brother, sought to strengthen her monarchical power and disclosed a reactionary spirit fatal to the stability of her throne. Against the advice of those nearest to her she attempted to abrogate the constitution, which she, at her accession, had sworn to support, and to erect

another in its stead, which should in effect reëstablish the ancient absolutism which prevailed previous to the establishment of the modern régime. The result, which she should have foreseen, and of which she was fully warned, was the downfall of her throne, the abrogation of the monarchy, and the establishment upon its ruins of a provisional republic.

In the Hawaiian Islands and among the Hawaiian people the influence of the United States, its civilisation and its people, had long been paramount. It was American missionaries who first brought to the Islands the gospel, and with it civilisation and a knowledge of methods of constitutional government. It was the hand of an American which drew up for the Hawaiian people their first written code of laws. Americans built for them their churches and schoolhouses, and printed for them their first spelling-books. Americans reduced their language to writing, and taught them the arts of civilisation. Americans opened up the Islands to the commerce of the world; settled in their valleys; cultivated their fields and hillsides; invested capital in what was first a venture, but which afterward proved to be the great wealth-producer — the cultivation of sugar. For years American influence had been potent in the affairs of state and in the councils of the King. For years the drift of the Islands toward annexation to the American Union had been fully recognised. For years the English residents of the Islands and the British government had recognised this tendency, and had striven to prevent it, as a movement inimical to

British interests in the Pacific. When, therefore, in the weakness of its decay, the Hawaiian monarchy fell to the earth, it was American hands which lifted again the fallen standard of government and interposed to prevent a state of anarchy. The committee of public safety, from the steps of the government building, proclaimed the abrogation of the ancient monarchy. Once had annexation to the American Union been so nearly consummated that the death of a monarch and the accession of his successor at the critical moment alone intervened to prevent the ratification of a treaty of annexation already drawn. The time seemed now ripe for the consummation of a movement long anticipated and once so nearly completed. A provisional government was established upon the ruins of the effete and fallen monarchy, "for the control and management of public affairs and the protection of the public peace, to exist until terms of union with the United States of America" should be agreed upon.

Two days after the fall of the throne, while yet the outcome was uncertain, and while the citizens of the city of Honolulu were momentarily apprehensive of outward violence, the committee of public safety, in response to many appeals of both men and women of the city, claimed the protection of the United States. The American minister, Hon. John L. Stevens, recognising the critical condition of affairs, and in pursuance of his duty to protect, with all the force available, the property and lives of American citizens, requested the commander of the U. S. S. *Boston*, the guard-ship in the harbour, to land a force

of marines from his ship, to protect the United States consulate and legation, and to secure the safety of those who might properly look to him for protection. This request was complied with, and a force was landed, as, indeed, had been done upon two previous occasions, when the safety of American lives and property had been apparently imperilled.

This act of the American minister was seized upon, shrewdly, by the dethroned Queen, as a pretext for a claim of unfair dealing toward her and her sovereignty, on the part of the representatives of the United States, its power and authority. A combination between the minister of the United States and the rebels against her authority, she declared, had succeeded in wresting from her her throne and sovereignty. She entered a formal protest against her dethronement, charging that it had been accomplished through the employment by the American minister of the armed forces of the United States. "Now, to avoid any collision of armed forces, and, perhaps, loss of life," were her words, "I do, under this protest, and impelled by said force, yield my authority until such time as the government of the United States shall, upon the facts being presented to it, undo the action of its representative and reinstate me in the authority which I claim as the constitutional sovereign of the Hawaiian Islands."

A commission was despatched by the provisional government, by special steamer, to the United States, with authority to negotiate a treaty of annexation. Five men of Hawaiian birth, but

American parentage, — Lorrin A. Thurston, W. C. Wilder, William R. Castle, Charles L. Carter, and Joseph Marsden, — comprised this commission. Simultaneously, the dethroned Queen sent an emissary to the seat of government at Washington to convey her protest.

The Hawaiian visitors found the United States government on the eve of a change in administration. President Harrison, who had occupied the chief executive's chair for nearly four years, was about to retire. A few days only remained of his term of office. His successor had been already chosen, and not only was a change of administration to occur, but there was to be a change as well in the political complexion of the administration. Grover Cleveland, who had occupied the presidential chair from 1885 to 1889, the first Democratic President for many years, and who had been a candidate for reëlection, had been defeated by his Republican rival, Benjamin Harrison. In the fall of 1892 Mr. Cleveland, who had been for the third time the nominee of his party, had succeeded in overthrowing his rival, President Harrison, who had also been a candidate for reelection. When the Hawaiian emissaries arrived at Washington, therefore, President Harrison was upon the eve of retirement, and Mr. Cleveland was about to return to the executive chair, from which he had withdrawn four years before. The commissioners of the provisional government without delay laid their case before the President and his advisers, and a treaty of annexation was framed. On the fifteenth of February, 1893, in a special message, President Harrison transmitted the treaty

to the Senate with a view to its ratification. "I do not deem it necessary," said President Harrison in this message, "to discuss at any length the conditions which have resulted in this decisive action. It has been the policy of the administration, not only to respect, but to encourage the continuance of an independent government in the Hawaiian Islands, so long as it afforded suitable guarantees for the protection of life and property, and maintained a stability and strength that gave adequate security against the domination of any other power. The moral support of this government has continually manifested itself in the most friendly diplomatic relations and in many acts of courtesy to the Hawaiian rulers. The overthrow of the monarchy was not in any way promoted by this government, but had its origin in what seems to have been a reactionary and revolutionary policy on the part of Queen Liliuokalani, which put in serious peril, not only the large and preponderating interests of the United States in the Islands, but all foreign interests and, indeed, the decent administration of civil affairs and the peace of the Islands. It is quite evident that the monarchy had become effete, and the Queen's government so weak and inadequate as to be the prey of designing and unscrupulous persons. The restoration of Queen Liliuokalani to her throne is undesirable if not impossible, and unless actively supported by the United States would be accompanied by serious disaster and the disorganisation of all business interests. The influence and interest of the United States in the Islands must be increased and not diminished.

"Only two courses are now open, — one the establishment of a protectorate by the United States, and the other annexation full and complete. I think the latter course, which has been adopted in the treaty, will be highly promotive of the best interests of the Hawaiian people, and is the only one that will adequately secure the interest of the United States. These interests are not wholly selfish. It is essential that none of the other great powers shall secure these islands. Such a possession would not consist with our safety and with the peace of the world. This view of the situation is so apparent and conclusive that no protest has been heard from any government against proceedings looking to annexation. Every foreign representative at Honolulu promptly acknowledged the provisional government and I think there is a general concurrence in the opinion that the deposed Queen ought not to be restored. Prompt action upon this treaty is very desirable. If it meets the approval of the Senate, peace and good order will be secured in the Islands under existing laws, until such time as Congress can provide by legislation a permanent form of government for the Islands. This legislation should be, and I do not doubt will be, not only just to the natives and all other residents and citizens of the Islands, but should be characterised by great liberality and a high regard to the rights of all people and of all foreigners domiciled there."

A great press of business in the last days of Congress forbade the careful consideration of the treaty and final action upon it. Seventeen days after its transmission to the Senate for its action,

the term of office of President Harrison expired, and that of President Cleveland began.

In the Republican presidential convention of 1888, Walter Q. Gresham, a federal judge in a western State, had been a prominent candidate for the nomination to the presidential office. Bitterly disappointed at his failure to receive this coveted political honour, Judge Gresham withdrew from affiliation with the Republican party and became one of the most active and bitter opponents of the administration of his successful rival, President Harrison. Upon the accession of President Cleveland for the second time, Judge Gresham received appointment to the office of Secretary of State.

Five days after his induction into office President Cleveland, in a special message to the Senate, withdrew from their consideration, "for the purpose of reëxamination," the treaty of annexation between the United States and the provisional government of the Hawaiian Islands, and requested that said treaty be returned to him. The request of the President was complied with, and Mr. Cleveland, as he himself expressed it, "conceived it to be his duty to cause an accurate, full, and impartial investigation to be made of the facts attending the subversion of the constitutional government of Hawaii and the instalment in its place of the provisional government." This plan being formed, Mr. Cleveland proceeded to put it into operation by appointing Hon. James H. Blount of Georgia as his special commissioner for the purpose named. Mr. Blount had been for several years a representative in Congress from

Georgia, and had occupied the position of chairman of the committee on foreign relations in that body. Previous to his service in Congress he had been closely identified with the Southern Confederacy.

The powers conferred upon Mr. Blount were unique and without known precedent. He was sent as the personal representative of the President of the United States; but since no such office is authorised by law, his appointment was not submitted to the Senate for confirmation. Nevertheless, in the "instructions" under which Mr. Blount performed his mission, his authority "in all matters touching the relations of this government to the existing or other government of the Islands" was declared to be "paramount," and in him alone, acting in coöperation with the commander of the naval forces, was vested "full discretion and power to determine when such forces should be landed or withdrawn." Some of the most important functions pertaining to the office of minister of the United States in the Islands were therefore withdrawn from him and placed in the hands of the special personal representative of the President.

Mr. Blount reached Honolulu on the twenty-ninth of March, 1893. Previous to the accession of Mr. Cleveland, at the request of the provisional government, Minister Stevens had declared a qualified American protectorate over the Islands, and had raised the American flag over the government building. Being informed of this act, the American Secretary of State, Hon. John W. Foster, had written to Mr. Stevens: —

"So far as your action amounts to according, at the request of the *de facto* sovereign government of the Hawaiian Islands, the coöperation of the moral and material forces of the United States, for the protection of life and property from apprehended disorders, your action is commended. But so far as it may appear to overstep that limit, by setting the authority and power of the United States above that of the government of the Hawaiian Islands, in the capacity of protector, or to impair in any way the sovereignty of the Hawaiian government, by substituting the flag and power of the United States, as the symbol and manifestation of paramount authority, it is disavowed."

To this communication Minister Stevens returned reply that the qualified United States protectorate, which had been temporarily assumed at the request of the provisional government, was exercised "with caution and reservation, and in no way interfering with Hawaiian sovereignty." It is believed that the Islands were thus placed temporarily under the flag of the United States, out of fear lest Great Britain and Japan, both of which governments were watching the outcome of affairs with the most eager attention, should by active interference materially change the *status quo.*

One of the first acts of Commissioner Blount, after his arrival at Honolulu, was to order the flag of the United States to be removed from its place above the government building, and the forces of the United States to be returned to the war-ship in the harbour. He then instituted an investigation of the conditions and events attending the

overthrow of the monarchy and the establishment of the provisional government. He remained at the Islands for several weeks, holding interviews with various persons and communicating frequently with Secretary Gresham. The friends of the provisional government have constantly claimed that, in these investigations, Mr. Blount availed himself almost wholly of information submitted by the friends of the fallen monarchy, declining all offers of information from the adherents of the revolutionary party. During his stay at the Islands, Mr. Blount received an appointment as Envoy Extraordinary and Minister Plenipotentiary of the United States to succeed Minister Stevens, whose resignation had been tendered and accepted. This appointment was declined, and upon the conclusion of his work Mr. Blount returned to the United States. In his stead Albert S. Willis was appointed, and arrived at his post in October, 1893.

The report of Commissioner Blount was elaborate and strongly favourable to the contention of the deposed Queen, that her dethronement was caused by the unjustifiable acts of the American minister, and the support given to the insurgents by the military forces of the United States. On the eighteenth of October, Secretary Gresham presented this report to President Cleveland, accompanied by a communication, in which he urged that the force of the United States should be employed in restoring to the Queen her authority and throne. "Should not the great wrong done to a feeble but independent State, by an abuse of the authority of the United States," he

inquired, "be undone by restoring the legitimate government? Anything short of that will not, I respectfully submit, satisfy the demands of justice."

This communication, when the knowledge of it reached the Islands, created intense excitement. Minister Willis, under instructions from Mr. Gresham, had been in communication with the dethroned Queen, with a view of restoring her to her throne. The instructions to Mr. Willis included a demand upon the Queen for complete amnesty for the participants in the revolution, as a condition of the employment of the good offices of the United States to effect her restoration. This Liliuokalani declined, at first demanding the decapitation of the leaders of the revolt against her authority. Yielding this point at length, she next insisted upon their banishment from the country and the confiscation of their property. Minister Willis still insisting upon a grant of complete amnesty, the ex-Queen at length reluctantly yielded and gave the required promise. This received, Minister Willis, in the name of the President of the United States, formally demanded of the provisional government its relinquishment of its authority and the reinstatement of the Queen in her sovereignty. This demand was firmly refused, the government, through its minister of foreign affairs, Hon. Sanford B. Dole, denying the right of the United States to interfere in the internal affairs of the Hawaiian Islands, and arguing that, if the President of the United States fully believed that his subordinates and the military and naval force of his country

had aided in any unlawful acts, it was a matter of discipline alone, and not one in which the present government of the Hawaiian Islands was in any manner concerned.

The President of the United States was now in a dilemma. His government had recognised the *de facto* government of the Hawaiian Islands, by receiving from it a diplomatic officer and accrediting to it one in return. The power to make war upon a foreign power rests in Congress alone; and this power, in this instance, had not been delegated to the President. The refusal of the Hawaiian government to recognise the United States government as a superior authority, must necessarily end the efforts of the President of the United States to undo the effect of the revolution, unless Congress should authorise him to employ the military and naval force of the United States to compel obedience. Such authority had been neither asked nor granted. But of this fact the Hawaiian government was not aware, and requests for information upon this point, addressed to Mr. Willis, were refused. The latter, therefore, contented himself with ordering a feint, a show of arms on board the war vessel in the harbour, and a summoning of a landing party to be in readiness, for the purpose, evidently, of intimidating the Hawaiian government into a compliance with the demand of the American President. The mustering of the Island forces upon the wharves and the training of two Gatling guns upon the ship were evidences that the Hawaiians had determined upon resistance, should a landing in force be attempted. The American minister

desisted from his attempt at intimidation and coercion, and reported his failure to the authorities at Washington. Mr. Cleveland in turn abandoned the entire matter to the consideration and management of Congress, and thenceforth the Hawaiians were left in undisturbed control of their internal affairs.

In July, 1894, the American guard-ship, which had for years been maintained in the harbour of Honolulu, for the protection of the lives and property of American citizens there resident, was withdrawn by order of President Cleveland. This was done in response to a request made by a committee of Hawaiian royalists, who visited Washington for that purpose. It was openly boasted in the streets of Honolulu, by the royalist faction, that this withdrawal of the naval force of the United States from Hawaiian waters was for the purpose of affording an opportunity to the adherents of the former Queen to regain her lost throne by armed revolt. Be this as it may, a revolt actually occurred in January, 1895, which was quickly suppressed, and the former Queen and her chief supporters were arrested and imprisoned. In the latter part of the year 1894 a request was presented to the Hawaiian government by the British minister, to the effect that the Hawaiian government should lease to that of Great Britain a barren, rocky island of the Hawaiian group, known as Necker Island, for use as a mid-ocean station for a submarine telegraphic cable. Since the Hawaiian-American treaty of 1850 forbade such a compact with a foreign nation, without the consent of the

United States, the matter was simply referred to the President of the United States, without recommendation or request. Almost at the moment that the former Queen's attempt to regain her lost throne was in progress in Honolulu, President Cleveland was sending a message to Congress, submitting the despatches from the Hawaiian government, declaring it to be the wish and request of that government that the consent of the United States should be given to the proposed lease, and adding his own recommendation that the request be promptly granted by Congress. A careful examination of the despatches transmitted disclosed the President's error, no request or recommendation of the Hawaiian government appearing. Congress refused the request by a large majority; and a resolution of the Senate soon followed, declaring that any interference with the Hawaiian Islands, on the part of any foreign State, would be regarded as an act of unfriendliness to the United States.

The expiration of the term of office of President Cleveland and the accession of President McKinley were the signal for a renewal of the discussion concerning Hawaiian annexation. A new treaty of annexation was prepared and signed, similar in its terms to that which had been negotiated in the last days of the Harrison régime. It chiefly differed from the first, in that it made no provision for a pension for the ex-Queen, whereas the treaty which President Cleveland withdrew from the consideration of the Senate provided for the payment to her of an annual pension of $20,000. The new treaty was signed June 16, 1897,

and transmitted to the Senate for ratification the following day. The records of the executive sessions of the Senate, in which the matter of the ratification of the treaty was considered, are of so recent a date as not to be available for public examination. It was an open secret, however, that an opposition to its ratification disclosed itself, sufficient to defeat it by one or two votes, had its managers deemed it prudent to allow it to be brought to a vote. Pending the discussion, a joint resolution of Congress, declaring the annexation of the islands, was introduced simultaneously into the House and Senate. In terms it was similar to the treaty, but in a parliamentary sense it possessed this advantage over the treaty. According to eslished will and custom, a majority of two-thirds of the members of the Senate present and voting is required for the ratification of a treaty with a foreign power. On the other hand, a joint resolution of Congress, of whatever nature, is declared adopted, if a bare majority only of the members present and voting shall vote in the affirmative.

The presentation of the resolution of annexation was the signal for a discussion, especially in the Senate, exceedingly bitter and acrimonious. As a rule, the division of opinion upon the subject was along party lines. The adoption of the resolution was advocated by Republicans and opposed by Democrats, and especially by those who were devoted adherents of President Cleveland and of his policy. A notable exception to this rule was found in Senator Morgan of Alabama; and to understand his position it will be necessary to go back a few months in the narrative. The entire

matter of the relations of the United States to the Hawaiian Islands having been submitted to Congress by President Cleveland, after the failure of his plan and attempt to dispossess the provisional government and restore the Queen, this resolution was adopted by the Senate: —

Resolved, That the committee on foreign relations shall inquire and report whether any, and if so, what irregularities have occurred in the diplomatic or other intercourse between the United States and Hawaii in relation to the recent political revolution in Hawaii, and to this end said committee is authorised to send for persons and papers and to administer oaths to witnesses.

Of this committee Senator Morgan was the chairman, and a majority were adherents of the Democratic party; and to the consideration of the questions involved in the resolution, the chairman, as well as the other members of the committee, gave careful consideration. It must be noted that Senator Morgan was a member of the political party then in power in the country and in close accord with the general policy of President Cleveland. On the eighteenth day of December, 1893, the President, in transmitting to Congress the report of Commissioner Blount, in a special message bitterly arraigned former Minister Stevens, disclosing confidential communications which he had, from time to time, made to the Department of State, bearing upon the internal conditions of the Island government and the circumstances which, in his estimation, conduced to render annexation to the United States a possibility of the not far-off future. Upon the

tenor of these despatches Mr. Cleveland based a violent attack upon Mr. Stevens, as being a co-conspirator with certain in the Islands to precipitate a revolt against the sovereign authority of the Queen, and to consummate the annexation, toward which conditions in the Islands had for years unquestionably been tending. Upon this ground also Mr. Cleveland based his charge that the troops of the United States were landed in Honolulu, solely with a view of upholding the cause of the revolutionists and of destroying the sovereignty of the Queen.

It was the truth or falsity of these charges which the Senate committee on foreign relations was directed to investigate. Its report was clear and unmistakable in its opinion upon this main point, and in this opinion there was no dissension among the members of the committee.

"The point at which it is alleged that there was a questionable interference by our minister and our navy with the affairs of Hawaii," says the report of the committee, rendered February 26, 1894, "was the landing of troops from the ship *Boston* in Honolulu, on the sixteenth day of January, 1893, at five o'clock in the afternoon. That ship, on which the minister was a passenger, had been off on a practice cruise at Hilo, a distance of nearly one hundred miles, since the fourth day of January. On her return to the harbour a condition of affairs existed in Honolulu which led naturally to the apprehension that violence or civil commotion would ensue, in which the peace and security of American citizens residing in that city would be put in peril, as had been done on

three or more separate occasions previously, when changes occurred, or were about to occur, in the government of Hawaii. Whatever we may conclude were the real causes of the situation then present in Honolulu, the fact is that there was a complete paralysis of executive government in Hawaii. The action of the Queen in an effort to overturn the constitution of 1887, to which she had sworn obedience and support, had been accepted and treated by a large and powerful body of the people as a violation of her constitutional obligations, revolutionary in its character and purposes, and that it amounted to an act of abdication on her part, so far as her powers and the rights of the people under the constitution of 1887 were concerned. This state of opinion and this condition of the executive head of the Hawaiian government neutralised its power to protect American citizens and other foreigners in their treaty rights, and also their rights under the laws of Hawaii. There was not in Honolulu at that time any efficient executive power through which the rights of American citizens residing there could be protected in accordance with the local laws. . . . The authority of the Queen was not respected by the people; it was opposed, and no force appeared to be used for the purpose of overcoming the opposition. . . . The result was that an interregnum existed.

"If we give full effect to the contention that this interregnum occurred because of the apprehensions of the Queen that force would be used by the United States to compel her abdication, those apprehensions could not have occurred

before the landing of the troops from the *Boston*, or if they existed, they were idle, unfounded, and unjust toward the United States. It was her conduct, opposed by her people or a large portion of them, that paralysed the executive authority, and left the citizens of the United States in Honolulu without the protection of any law, unless it was such as should be extended to them by the American minister, in conjunction with the arms of the United States, then on board the *Boston*. There is well-settled authority for the position that at the moment when the Queen made public her decision to absolve herself from her oath to support the constitution of 1887, her abdication was complete, if the people chose so to regard it. That constitution, and the Queen's oath to support it, was the only foundation for her regal authority; and when she announced that her oath was annulled in its effect upon her own conscience, she could no longer rightfully hold office under that constitution. . . . The recantation was two days later than the completed crime and was temporary and conditional, and, in the meantime, popular sovereignty had risen to the assertion of its rights, an indignant resentment had aroused the people, and a large body of citizens claiming to represent them had inaugurated a government of the people and for the people. . . . The committee agree that such was the condition of the Hawaiian government at the time that the troops were landed in Honolulu from the steam war-ship *Boston;* that there was then an interregnum in Hawaii as respects the executive office; that there was no

executive power to enforce the laws of Hawaii, and that it was the right of the United States to land troops upon those Islands at any place where it was necessary in the opinion of our minister to protect our citizens. . . . In this view of the facts there is no necessity for inquiring whether Minister Stevens or Captain Wiltse, in arranging for the landing of the troops, had any purpose either to aid the popular movement against the Queen, that was then taking a definite and decisive shape, or to promote the annexation of the Hawaiian Islands to the United States. The committee agree that the purposes of Captain Wiltse and of Minister Stevens were only those which were legitimate, viz., the preservation of law and order to the extent of preventing a disturbance of the public peace which might, in the absence of the troops, injuriously affect the rights of the American citizens resident in Honolulu. . . .

"It is not a just criticism upon the correspondence of Minister Stevens with his government that he earnestly advocated annexation. In this he was in line with Mr. Marcy and nearly every one of his successors as Secretary of State, and with many of Mr. Stevens's predecessors as minister to Hawaii. His letters to his government were written under the diplomatic confidence that is requisite to secure freedom in such communications, and were not expected to come under the scrutiny of all mankind. They show no improper spirit, and are not impeachable as colouring or perverting the truth, although some matters stated by him may be classed as severe reflections. Whatever motives may have

actuated or controlled any representative of the government of the United States in his conduct of our affairs in Hawaii, if he acted within the limits of his powers, with honest intentions, and has not placed the government of the United States upon false and untenable grounds, his conduct is not irregular."

The report of the committee on foreign relations, from which the foregoing extracts are drawn, written, it was believed, by the hand of Senator Morgan, its chairman, in effect, then, absolved Minister Stevens from the charges made against him by President Cleveland in his message, and removed from him the imputation of having, in his eagerness for annexation, committed overt and unauthorised acts against the sovereignty of the Hawaiian Queen. Although this report, in its scope, was not designed to comprehend a consideration of the question of the annexation of the Islands, the leaning of the mind of its author in favour of such a consummation is readily discerned. There was little doubt that Senator Morgan was earnestly favourable to an early annexation of the Islands to the United States; and this opinion was confirmed when, on the seventh of February, 1898, a series of notable resolutions were introduced in the Senate by the senator. Upon the failure of the first annexation treaty by the opposition of President Cleveland, the Hawaiian people had formed a government, with a framed constitution, under the name of the Republic of Hawaii. The Republic was declared on the fourth day of July, 1894. This government Senator Morgan's reso-

lutions declared to be a rightful government, "recognised as such by the United States of America and by other great powers without any question by any nation of its rightful and sovereign independence." The resolutions further provided that: —

"Said government of Hawaii having in due form signified its consent, in the manner provided in its constitution, that the Hawaiian Islands, with all the territory appurtenant thereto over which said government now claims to exercise sovereign jurisdiction, shall be annexed to and become a part of the territory of the United States of America, and shall be subject to the national power and sovereign jurisdiction thereof, it is hereby enacted and declared that said cession is accepted, ratified, and confirmed, and that said Hawaiian Islands are annexed as a part of the territory of the United States of America, and are subject to the sovereign dominion thereof."

Almost simultaneously with the introduction of these resolutions by Senator Morgan, resolutions similar in tenor and of the same effect were introduced in the House of Representatives by Hon. Francis G. Newlands of Nevada. Months passed, however, before these resolutions were brought to debate in either house of Congress. Another matter, and one of transcendent importance, consumed the attention of Congress and of the country, to the almost total exclusion of all others. For some years a revolt against Spanish rule in Cuba had attracted the attention of the civilised world. It was the last despairing at-

tempt of an oppressed people to free themselves from the shackles of a mediæval despotism. At length it had become necessary for the United States to interfere, to put an end to the shocking condition of affairs at its doors; for Spain, in the attempt to repress the insurrection and establish its authority in Cuba, had resorted to measures of extreme cruelty, which shocked all Christendom. Remonstrances from the United States were of no avail; promises of reforms were made only to be broken. Then came the historic destruction of the U. S. S. *Maine*, by the explosion of a Spanish mine in Havana harbour. On the eleventh of April, 1898, President McKinley, in a special message to Congress, declared that "in the name of humanity, in the name of civilisation, in behalf of endangered American interests which give us the right and duty to speak and to act, the war in Cuba must stop." By concurrent vote of the two houses of Congress it was demanded that Spain should relinquish its authority and government in the island of Cuba, and withdraw its land and naval forces from Cuba and Cuban waters. Declarations of war followed, dating from April 21. Ten days later the country and the whole world was electrified by the news of the amazing victory of Commodore Dewey at Manila Bay.

Hawaii was now brought once again prominently before the public eye. It became instantly necessary to send an army to Manila for the reënforcement of the naval forces in that bay. Hastily and amid great enthusiasm an army under the command of General Merritt was assembled on

the Pacific coast and made ready for its long journey across the ocean. To move so large a force of men, such an immense distance, without a pause midway, was well-nigh impossible. The strategic value of the Hawaiian Islands was at once apparent to all. Gladly the Hawaiian government, in open violation of the neutrality laws of nations, threw wide its doors in hospitality to the American military forces. Remonstrances by the Spanish consul at Honolulu were of no avail. The army of General Merritt made the Hawaiian Islands its mid-ocean station, and it was received with unbounded enthusiasm. The boundless resources of the Islands were disclosed in the abundant preparations made for the welcome of the American soldiery, and in the lavish hospitality which was tendered to them during their stay.

Hawaii had now committed an overt act against a friendly nation, and it was incumbent upon the United States to hold it harmless. The resolutions of Hawaiian annexation which, during the excitement attendant upon the outbreak of the war with Spain, had remained in abeyance, were at once called up in Congress, but their passage was bitterly contested both in House and Senate. Curiously enough, some of the precise arguments employed in the same presence, ninety years before, when the French cession of Louisiana was under discussion, were again urged. In the Louisiana discussion it will be remembered that Mr. Griswold contended for the unconstitutionality of the purchase, the argument being that the treaty-making power does not extend to the acquisition of foreign soil, and the

incorporation into our body politic of a foreign people.[1] Exactly the same objection was raised to the annexation of Hawaii. It was also urged that to annex these islands would be to violate the Monroe Doctrine; that their possession would make of an invulnerable country one most vulnerable; that their admission to the Union while so large a proportion of the population is Oriental would be to offer a complex labour problem; that their annexation would be to violate the cardinal principles of the Declaration of Independence; that the ownership of these Islands would imply the establishment of a colonial policy and the maintenance of a great military and naval establishment. It was noticeable throughout the discussion that the debate was essentially upon one side alone. It was evident that the majority of the members of Congress were favourable to annexation, and that to avoid a long-drawn debate they were determined to occupy as little of the time as possible in these the last days of the session. Especially was this policy noticeable in the Senate. One of the most powerful and potent arguments in favour of annexation, however, was that made in the House of Representatives by Robert R. Hitt of Illinois, the chairman of the committee on foreign relations. Amos M. Cummings of New York denounced in no uncertain language the attitude of President Cleveland toward Hawaii, and rebuked the effort of the sugar refiners of our country which, even then, was turned toward the defeat of the annexation bill. "Experience has shown," said Mr. Cummings, "that the web and

[1] *Ante*, p. 16.

woof of our system grows stronger with territorial extension, instead of weaker, as was formerly urged. It is the history of all nations that when they begin to lose territory, they decline. The Roman Empire and the kingdom of Spain, once a province of that empire, are conclusive on this point. So is the fact that we have not a foot of territory that we have not taken from others. A higher power than that of the sugar kings has decreed that these Islands shall become an integral part of the United States. It is the decree of the King of kings, the Ruler of the universe. His missionaries rescued the Sandwich Islands from barbarism, and He will preserve them for ages in the bosom of the American Union."

On the fifteenth of June the resolution of annexation of the Hawaiian Islands was brought to a vote in the House of Representatives, and passed by a vote of 209 to 91. It was then sent to the Senate. On the twentieth it was taken up by the upper house for consideration. Here the arguments in opposition to the passage of the resolution were led by Senator Morrill of Vermont, who, it will be remembered, thirty-one years before, had been one of two senators who alone opposed the ratification of the Alaskan treaty. The most violent opponent of the resolution, however, was Senator Pettigrew of South Dakota, who not only employed legitimate argument in his effort to defeat its passage, but as the debate waxed tedious, and the weather increased in discomfort, employed the device of "filibustering," with the hope of wearying the advocates of the measure, and forcing an adjournment

sine die without final action on the passage of the resolution. As before suggested, the advocates of the measure, in the Senate generally, refrained from consuming time in debate, thus throwing the responsibility for delay in action wholly upon the opposition. The only considerable speech in favour of annexation was made by Senator Hoar of Massachusetts. Day after day was thus consumed, until the month of June wore away and the month of July was entered upon. The weather was intensely hot, and the senators were impatient for adjournment that they might return to their homes. Equally impatient of the delay were the members of the House of Representatives, which body had completed the business of the session and was awaiting final decision upon this measure by the Senate, in order to adjourn and go home. Even when the fourth day of July, the anniversary of American independence, arrived, the Senate declined to take the usual adjournment in honour of the day, and interrupted the Hawaiian debate for but two purposes. The first of these was to listen to the reading of the Declaration of Independence by one of the senators; the other to listen to the reading of a despatch from Rear-Admiral Sampson to the Secretary of War, announcing the total destruction of the Spanish fleet in West Indian waters, under the command of Admiral Cervera. On this day Senator W. V. Allen of Nebraska, who represented the beet-sugar industries of his State in their opposition to the annexation of Hawaii, consumed a large portion of the time of the session in "filibustering," including the

reading of a large number of newspaper editorials, arguing in opposition to annexation.

At length, on the sixth day of July, the minority opposition in the Senate, convinced that further delay was useless, consented that a vote should be taken. Various amendments offered were rejected, and the joint resolution of annexation was finally passed by a vote of 42 to 21. It is noticeable that the majority by which the resolution of annexation of the Hawaiian Islands was adopted in the Senate was precisely two-thirds of the number of senators voting, the exact number required for the ratification of a treaty.

The territory thus added to the domain of the United States consists of eight inhabited islands, called Hawaii, Maui, Kahoolawe, Lanai, Molokai, Oahu, Kauai, and Niihau. There are in addition a number of uninhabited islands, small in extent, the chief of which are Molokini, Kaula, French Frigate Shoal, Bird Island, and Necker Island. The eight inhabited islands comprise an area of about sixty-seven hundred square miles, and extend in a chain, stretching from northwest to southeast, over a distance of about three hundred and eighty miles. The island of Hawaii in extent comprises about two-thirds of the acreage of the group, and is nearly equal in area to the State of Connecticut. The area of the entire group is somewhat less than that of Connecticut and Rhode Island combined. The islands have a population, according to the census of 1896, of 109,020.

CHAPTER X

CUBA, PUERTO RICO, GUAM, AND THE PHILIPPINES

The story of the rise and fall and the final extinction of the Spanish Empire is one of the great tragedies of the world's history. It is the story of an irrepressible conflict which began with the life struggle in the Netherlands in 1579, and the bloody contest in the English Channel in August, 1588, and which ended with the extermination of the sea-power and the empire of Spain, in Manila Bay and before Santiago de Cuba, in the summer of 1898. It was a contest between an Anglo-Saxon and a Dutch civilisation on the one hand and a Latin upon the other; its result was the inevitable result of the survival of the fittest. The Spanish cruelty and treachery which committed the barbarous massacre of the sleeping garrison of Maestricht, forced also, more than three hundred years later, the hideous starvation of thousands in the streets of Havana.

There was a day when, as Motley says, "the Papuan islander, the Calabrian peasant, the Amsterdam merchant, the semi-civilised Aztec, the Moor of Barbary, the Castilian grandee, the roving Camanche, the Guinea negro, the Indian Brahmin,

found themselves — could they but have known it — fellow-citizens of one commonwealth. Statutes of family descent, aided by fraud, force, and chicane, had annexed the various European sovereignties to the crown of Spain; the genius of a Genoese sailor had given to it the New World, and more recently the conquest of Portugal, torn from hands not strong enough to defend the national independence, had vested in the same sovereignty those Oriental possessions which were due to the enterprise of Vasco da Gama, his comrades and successors. The voyager setting forth from the Straits of Gibraltar, circumnavigating the African headlands and Cape Comorin, and sailing through the Molucca channel and past the isles which bore the name of Philip in the Eastern Sea, gave the hand at last to his adventurous comrade who, starting from the same point and following westward in the track of Magellaens and under the Southern Cross, coasted the shores of Patagonia and threaded his path through unmapped and unnumbered clusters of islands in the western Pacific; and during this spanning of the earth's whole circumference not an inch of land or water was traversed that was not the domain of Philip. . . . The man who inherited so much material greatness believed himself capable of destroying the invisible but omnipotent spirit of religious and political liberty in the Netherlands, of trampling out the national existence of France and of England, and of annexing those realms to his Empire."[1]

[1] Motley, "The United Netherlands," III, 516.

The same spirit believed itself capable, throughout the centuries, of trampling out human liberty wherever it sought to spring from the soil and grow. But the Netherlands at length saw their deliverance; and the Invincible Armada in despair was scattered the length of the Irish Sea. Upon the shores of the new continent over which, from Arctic to tropic, extended the power, sprang up a new and potent force, a mingling of the two civilisations which had already, in Europe, successfully resisted the force of the tyrant. And a little one became a thousand and a small one a strong nation. With one mighty surge the wave of the new civilisation ingulfed what had once been a vast Spanish province, and dashed upon the feet of the Rocky Mountains. Once more, and it mingled with the waters of the Gulf. The great empire of Texas was next swept with the oncoming tide; and then the wave swept down the slope of the Sierras and met the Pacific waters. Powerless to resist the tide of human freedom, the now broken power of Spain could only look helplessly on while its South and Central American provinces were swept away; and at last, of all its mighty empire remained only the tradition of its former greatness and the remnant of its possessions in the Antilles and in the Orient.

Once, when the Latin civilisation of France and Spain united in a last despairing attempt to crush the Anglo-Saxon in America, these last remnants of Spain's greatness fell in the one general ruin. Simultaneously the guns of England thundered before Havana and Manila, and

simultaneously the flag of Spain fell in flame and smoke. But a magnanimous victor accepted the cession of the Florida peninsula in lieu of Cuba, and withdrew also from the Philippines. Spain had now, briefly, a new lease of power, for, as compensation for the loss of Florida, France ceded to her the vast region of Louisiana. But it was not for long. Forty years later and the hand of Spain was removed from this great country, and in a twelvemonth more the flag of the young Republic of the West waved over the vast fertile valley and the Father of Waters.

And now history was about to repeat itself. Of all her American possessions, Spain retained only Cuba and Puerto Rico. Between the first of these islands and the United States, situated as it is close to the American coast, the relations had long been intimate. The revolt of the Spanish provinces of South America and Central America, and their ultimate independence, produced its effect upon Cuba. A strong movement was manifest in these countries favourable to extending the sentiment of independent nationality to Cuba. But with independence in Mexico and in Spanish South America had come also freedom to their slaves; and the slaveholding element in the United States sternly repressed the tendency which was apparent for deliverance for Cuba from Spanish rule. For to allow a great free State commanding the Gulf and its adjacent coast could not, for a moment, be considered. And so the influence of the United States was thrown for the repression of a free government and people in Cuba; and thus was heaped up wrath against the

day of wrath. In the latter part of the eighteenth century a restiveness against Spanish rule was apparent in Cuba. Insurrections and revolts from time to time occurred, but were suppressed by the Spaniards. During the period from 1827 to 1829 the Order of the Black Eagle arose in Mexico, Colombia, and the United States, having for its object the liberation of Cuba. But here again the arm of the slaveholder interposed. In 1844 a serious revolt of the slaves in Cuba arose and was repressed. Four years later the United States first officially interested itself in Cuba. The administration of President Polk had seen the annexation of Texas, New Mexico, and California, and the adjustment of the Oregon boundary dispute. Whether Mr. Polk discerned the coming of the day of wrath and sought to avert it, or whether, having extended the boundaries of our country to the Gulf and to the Pacific coast, he desired to add still more to the glory of his administration, by the acquisition of the Pearl of the Antilles, no one now can tell. Whatever may have been his motive, it is certain that he did authorise overtures to be made to Spain for the purchase of Cuba, a consideration in the sum of $100,000,000 being suggested. These overtures were scornfully rejected, being regarded by Spain as a "national indignity," and they were not renewed.

That there was a "Cuban question" was now apparent — a question not easily settled. A new sentiment now possessed the slaveholding element in the United States. It was no longer hostile to the idea of the removal of Spanish rule

from Cuba; but it must come, not with Cuban independence, but with annexation to the United States, for the purpose of strengthening and increasing the slave power. Proclamations of President Pierce, forbidding the fitting out of filibustering expeditions against Cuba, were regarded askance, if, indeed, they were issued in a full measure of sincerity. The expedition of Quitman, although formally forbidden, found many promoters and sympathisers in the southern States of the Union. "The great question of our age and generation," said Quitman, "is whether American or European policy shall prevail in this continent. Of this great question Cuba is the battle-ground for its solution. Our destiny is intertwined with that of Cuba. If slave institutions perish there, they will perish here. Thus interested, we must act. Our government, already distracted with the slavery question, cannot or will not act. We must do it as individuals."

The seizure of the American vessel *Black Warrior*, in the harbour of Havana, formed a fresh pretext for an aggressive movement against Spain in the interest of Cuban absorption. Pierre Soulé, President Pierce's minister at Madrid, an ardent southern expansionist, was armed with the most explicit instructions to negotiate for the cession of Cuba. To aid him in his negotiations a demand was made upon Spain for redress for the *Black Warrior* incident. An invitation extended by France and England, in 1852, to join in a tripartite convention for guaranteeing the Spanish dominion over Cuba, had been

declined. In 1854 the ministers of the United States to England, France, and Spain were directed by President Pierce to confer together and "to compare opinions and to adopt measures for perfect concert of action in aid of the negotiations at Madrid." These three men — James Buchanan, John Y. Mason, and Pierre Soulé — met first at Ostend, and later at Aix-la-Chapelle, for the purpose indicated. The outcome of these meetings was the document known as the Ostend Manifesto, issued on the eighteenth of October, 1854. "We have arrived at the conclusion," said these three ardent friends of African slavery, "and are thoroughly convinced that an immediate and earnest effort ought to be made by the government of the United States to purchase Cuba from Spain, at any price for which it can be obtained, not exceeding the sum of . . . . . dollars." The sum with which the blank should be filled was afterward suggested as $120,000,000. "Spain is in imminent danger," says the Manifesto, "of losing Cuba without remuneration. . . . It is not improbable that Cuba may be wrested from Spain by a successful revolution; and in that event she will lose both the island and the price which we are now willing to pay for it — a price far beyond what was ever paid by one people to another for any province. . . . After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, Does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union? Should this question be answered in the

affirmative, then, by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power, and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbour, if there were no other means of preventing the flames from destroying his own home. Under such circumstances we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question whether the present condition of the island would justify such a measure? We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity should we permit Cuba to be Africanised and become a second San Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our neighbouring shores, seriously to endanger, or actually to consume, the fair fabric of our Union."

The earnest recommendations of the three ministers came to naught. Soulé, impatient at the failure of his plans, resigned his office and returned to the United States. Spain made restitution for the *Black Warrior* incident, and the Cuban question was lost sight of in the black cloud which soon obscured the political and social skies in the United States.

In the year 1868, amid a political revolution in Spain, the Cubans embraced their opportunity for revolt. For ten years this war between Spain and her belligerent colony was waged. In the midst occurred the famous *Virginius* incident, which nearly resulted in a war between Spain and the

United States. The day of wrath was more nearly at hand. A humble apology on the part of Spain, and a money indemnity to the families of the murdered American sailors, alone postponed the day, and twenty years more passed before the great dénouement.

At last, in 1894, a revolt broke out in Cuba, more determined than any which had preceded it. It was the last despairing struggle of a people oppressed and downtrodden for nearly four centuries. Four years was the war waged, with stubborn determination upon the one side and with almost unexampled cruelty on the other. The resort to starvation of a nation, as the means of its repression, at length aroused the indignation of the civilised world, and this forced the United States to action. Humbled by the scorn and contumely of outraged Christendom during the administration of President Cleveland, with the opening of a new era the Republic of the West aroused itself to action.

"Official information from our consuls in Cuba," wrote President McKinley, in a special message to Congress, two months after his inauguration, "establishes the fact that a large number of American citizens in the island are in a state of destitution, suffering for want of food and medicines. This applies particularly to the rural districts of the central and eastern parts. The agricultural classes have been forced from their farms into the nearest towns, where they are without work or money. The local authorities of the several towns, however kindly disposed, are unable to relieve the needs of their own people and are alto-

gether powerless to help our citizens. The latest reports of Consul General Lee estimate six to eight hundred Americans are without means of support. I have assured him that provision would be made at once to relieve them. To that end I recommend that Congress make an appropriation of not less than $50,000, to be immediately available for use under the direction of the Secretary of State. It is desirable that a part of the sum which may be appropriated by Congress should, in the discretion of the Secretary of State, also be used for the transportation of American citizens, who, desiring to return to the United States, are without means to do so."

This relief was promptly voted by Congress; and still the war in Cuba went on. The glimmering of the sunrise of the day of wrath was not discerned in Madrid. "The most important problem with which this government is now called to deal, pertaining to its foreign relations," wrote President McKinley in his first annual message, December 6, 1897, "concerns its duty toward Spain and the Cuban insurrection." Proceeding to a discussion of the situation in detail, the President discloses the fact that offers of mediation and suggestions for peaceful solutions of the existing conditions, made by President Cleveland, had been unavailing. Similar attempts and advances by President McKinley had been equally fruitless. Reforms promised in a Spanish note of October 23 had not been instituted. "If it shall hereafter appear to be a duty imposed by our obligations to ourselves, to civilisation, and humanity to intervene with force," said the Presi-

dent, "it shall be without fault on our part, and only because the necessity for such action will be so clear as to command the support and approval of the civilised world."

The day of wrath was near its dawning.

On the evening of the fifteenth of February, 1898, the American battleship *Maine*, lying at anchor in Havana harbour, was suddenly destroyed by an explosion, two hundred and sixty-six sleeping men being instantly killed. It was the universal belief in the United States that the calamity was the result of Spanish treachery, and of this there was a moral certainty, when it became known that the destruction of the *Maine* was celebrated with feasting and revelry by Spanish officers in Havana.

The day of wrath, the last day of the ancient Spanish rule in the western hemisphere, had fully dawned. The representation of the President of the United States to the Queen Regent of Spain, concerning the result of the finding of the court of inquiry, convened to inquire into the cause of the destruction of the *Maine*, met with no appreciative response. Events now moved rapidly. On the nineteenth day of April a joint resolution adopted by Congress contained these momentous words: —

Resolved, By the Senate and House of Representatives of the United States of America in Congress assembled,

First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the government of the United States does

hereby demand, that the government of Spain at once relinquish its authority and government in the island of Cuba, and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination when that is accomplished, to leave the government and control of the island to its people.

These resolutions were approved April 20. Five days later, by act of Congress, war was declared to exist between the United States and Spain, and to have existed since April 21, and the President was authorised "to use the entire land and naval forces of the United States" to carry this act into effect.

The events of the next hundred days belong to the general history of the country and of the world. It is the story of the full bursting of the day of wrath, the story of the final extinction of the Spanish monarchy, in blood and smoke and ruin. The first decisive blow for the liberation of Cuba was struck, not over the wreck of the *Maine* in Havana harbour, but at the antipodes, in repetition of the history of 1762; and this time Manila and the Philippines passed forever from the hands of Spain. The expedition of General Merritt, sent out from the port of San

Francisco to strengthen the hands of Dewey in Manila Bay, paused for a day at the Marianas, or Ladrone Islands. A cannon shot in the harbour at Guam announced the fall of Spanish rule in those islands and the establishment of the control of the United States. All the world smiled when the Spanish governor of the Islands sent a note of apology for his failure to answer the "salute," his seeming neglect being caused by the lack of powder; and the smile broadened when, casting his clenched hands in air, he looked on in grim despair to see the flag of the United States replace that of Spain over his empty fortress.

On the third day of July the tragedy was completed before Santiago, when, before the irresistible force of the navy of the United States, the ancient empire of Spain drew its last despairing gasp. Even as Admiral Oquendo, crushed and humiliated at the defeat of the Armada, staggered back to the shores of Spain to scorn and death, so also the noble ship which bore his name, the last of the fleet of Spain, in wild despair cast itself upon the shore, and sought its own inevitable wreck and ruin.

On the fourth day of January, 1899, President McKinley transmitted to Congress a treaty of peace between the United States and Spain, signed at Paris on the tenth day of December, 1898. The deliberations of the commissioners had been long and solemn. It was on the twelfth of August that, at the request of Spain, conveyed through the French minister at Washington, M. Cambon, a protocol of peace had been signed. On the

thirteenth of September President McKinley appointed as peace commissioners, to negotiate a treaty, William R. Day of Ohio, Cushman K. Davis of Minnesota, William P. Frye of Maine, George Gray of Delaware, and Whitelaw Reid of New York. The commissioners on the part of Spain were E. Montero Rios, B. de Abarzuza, J. de Garnica, W. R. de Villa Urrutia, and Rafael Cerero. On the first day of October the commissioners met for the first time; their final meeting was on the tenth of December. As the result of their conference and agreements Spain relinquished all claim of sovereignty over and title to Cuba, ceded absolutely to the United States the island of Puerto Rico and other islands under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas, or Ladrones; and ceded also the entire archipelago known as the Philippine Islands in return for the payment by the United States of the sum of $20,000,000.

Save in the case of Cuba no formal surrender of the ceded territories was made. When, in the lapse of time, the formal history of the rise and fall of the empire of Spain shall be written, of all its tragic dramas none will be more tragic than that enacted within the walls of the palace of the governor-general of Cuba at Havana, when, in the great hall hung in scarlet, the representative of the last remnant of Spanish sovereignty in the western hemisphere paid his obeisance to the representative of the military power of the great Republic of America, and turned his back upon his own and his nation's former glory. And

his last backward look at the historic palace, as he crossed the plaza in his retreat, and his dramatic gesture of chagrin, despair, and hopelessness, formed a fitting type of a great nation's final fall.

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